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No. 98-7782-CFX

Title: Barbara Schwarz, Petitioner
v.
Executive Office of the President, et al.

Docketed:
January 26, 1999

Court: United States Court of Appeals for
the Eleventh Circuit

Entry Date

Proceedings and Orders

Jan 22 1999	Petition for writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due February 25, 1999)
Jan 22 1999	Motion of petitioner for leave to proceed in forma pauperis filed.
Feb 3 1999	Waiver of right of respondents Executive Office of the President, et al. to respond filed.
Feb 11 1999	DISTRIBUTED. February 26, 1999
Mar 1 1999	REDISTRIBUTED. March 5, 1999
Mar 8 1999	Motion of petitioner for leave to proceed in forma pauperis DENIED. See Rule 39.8. Petitioner is allowed until March 29, 1999, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court. Justice Stevens dissents. Opinion per curiam. (Detached opinion.)
Mar 29 1999	Motion of petitioner for reconsideration of order denying leave to proceed in forma pauperis filed.
Apr 7 1999	REDISTRIBUTED. April 23, 1999

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EDITOR'S NOTE

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No: _____

98-7782

IN THE UNITED STATES SUPREME COURT

BARBARA SCHWARZ, PLAINTIFF, APPELLANT, PETITIONER,
vs.

EXECUTIVE OFFICE OF THE UNITED STATES PRESIDENT,
WHITE HOUSE, DEFENDANT, APPELLEE, RESPONDENT,

UNITED STATES DISTRICT COURT OF MIDDLE FLORIDA
CASE NUMBER: 98-813-CIV-T-34 E.

UNITED STATES COURT OF APPEALS FOR ELEVENTH
CIRCUIT, CASE NUMBER: 98-2727.

PETITION FOR WRIT OF CERTIORARI

Supreme Court, U.S.

FILED

JAN 22 1999

OFFICE OF THE CLERK

(TERM)

DATE: *January 19, 1999*

Barbara Schwarz
BY BARBARA SCHWARZ
335 EAST BROADWAY,
APT. 401
SALT LAKE CITY, UT.
84111

17 pp

Barbara Schwarz

(Your Name)

Petitioner

See, in General
Rules 39.1 through
39.4.

Executive Office of U.S. President
(Respondent's Name) White House

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS = 7782

Barbara Schwarz

The petitioner,, asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed in forma pauperis. Petitioner has previously been granted leave to so proceed in (name the courts below, if any, that have authorized pauper status in this case). Petitioner's affidavit in support of this motion is attached hereto.

/s/ (Your Name)

See Rule 34.2 (signature required)

January 19, 1999

Barbara Schwarz

AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

I, Barbara Schwarz being first duly sworn, depose and say that I am the petitioner in the above-entitled case; that in support of my motion to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and that I believe I am entitled to redress.

08-7722

I further swear that the responses which I have made to the questions and instructions below relating to my ability to pay the cost of proceeding in this Court are true.

1. Are you presently employed? Yes---- No-X--
a. If the answer is yes, state the amount of your salary or wages per month and give the name and address of your employer.

- b. If the answer is no, state the date of your last employment and the amount of the salary or wages per month which you received.

My last employment was 1987. I worked from then approx. \$6.5 hourly. I am in the court I can't afford to pay any cost fees and also can't pay the costs of my children and support. My husband is unemployed.

2. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends or other sources?

Yes-X-- No ----

- a. If the answer is yes, describe each source of income and state the amount received from each during the past twelve months.

I have been paid wages, my also income relative to my husband. It is monthly enough to cover rent, food and utilities. I can't live without money. I can't pay my children's support. My husband is unemployed. I can't pay my court costs. I can't pay my children's support. My husband is unemployed. I can't pay my court costs. I can't pay my children's support.

3. Do you own any cash or checking or savings account? Yes ---- No X--

- a. If the answer is yes, state the total value of the items owned.

But my husband is on a checking account together with my husband relative to my husband. Nothing on this account is his money. It is his money. I can't pay my court costs. I can't pay my children's support. My husband is unemployed. I can't pay my court costs. I can't pay my children's support. My husband is unemployed. I can't pay my court costs. I can't pay my children's support.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes ---- No X--

- a. If the answer is yes, describe the property and state its approximate value.

5. List the persons who are dependent upon you for support and state your relationship to those persons.

My husband

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: January 19, 1999 /s/ Barbara Schwarz

QUESTIONS PRESENTED:

0847722

Introduction: I filed this case to the USDC Middle Florida after I did not hear for many weeks on a case against the White House that I filed to the USDC for Southern Texas.

1) Is the Executive Office of the U.S. President acting unconstitutional by not acknowledging records they have on me and by saying that Freedom of Information Act/Privacy Act, U.S. Code 552 (a) (f), 551 (I) does not apply to them?

2) Is it constitutional by the USDC Middle Florida and the 11th Circuit Court to let Executive Office for the U.S. President come away with this?

3) Is it constitutional by the Executive Office of the U.S. President, President Clinton and Al Gore to conspire against wrongfully incarcerated Mark Rathbun (de Rothschild) and myself, by deliberately not informing us on the records the White House has on us, so that we can't find each other and that I can't testify and prove Mark's innocence.

4) Is it constitutional by the Executive Office of the U.S. President to deny numerous constitutional rights to Mark Rathbun by deliberately keeping us apart?

5) Is it constitutional by the Executive Office of the U.S. President to keep Mark Rathbun, a completely innocent man behind bars where he could lose his life and is target of a cruel conspiracy that tortures him days and nights?

6) Is it constitutional by the Executive Office of the U.S. President to deny information as to Mark Rathbun to me, which they have, by knowing that I have to live in total poverty and have to suffer bad pains because can't afford a doctor because can't even work in the United States?

7) Is it constitutional by the Executive Office of the U.S. President, Bill Clinton, Al Gore and their staffers to know that I am kidnapped granddaughter of President Dwight David Eisenhower and was kidnapped by a German Nazi-conspiracy but not doing anything to correct those high crimes and not doing anything else to restore my rights?

8) Is it constitutional by Executive Office of the U.S. President, Bill Clinton and Al Gore to allow a German originated, German oriented and German controlled Nazi-conspiracy to infiltrate the U.S. government, agencies and courts to deny brave and good Americans as us our rights and to secretly destroy American values?

9) Is it constitutional by Executive Office of the U.S. President Bill Clinton, Al Gore and his staffers to deliberately wrongfully state to an Independent Counsel, other than Starr, not knowing of me and my hundred letters to them and as far as President Clinton is concerned wrongfully testifying not having corresponded with me?

10) Is it constitutional by Executive Office of the U.S. President Clinton to discriminate against Mark Rathbun by trying in two letters to pull my attention away from Mark Rathbun to Russian politics or even to another prisoner, Michael Fay, who is not innocent as Mark Rathbun?

11) Is it constitutional by the Executive Office of the U.S. President, Bill Clinton, Al Gore and the White House staffers to know that the Department of Justice, the Federal Bureau of Prisons covers up the wrongful incarceration of Mark Rathbun that I can't get hold of him and can't testify for him and not doing anything against the criminal U.S. Department of Justice and Federal Bureau of Prison after I had documented the suspicious documents by this office to President Clinton and Al Gore and Janet Reno?

12) Is it constitutional by the USDC Middle Florida, Susan C. Bucklew to know all above by having received the evidence to first agree to let this case to go to trial but after having had ex parte communication with the White House, dismissing my case by deliberately wrongfully claiming that my case would be frivolous?

13) Is it constitutional by the Executive Office of the U.S. President to engage in ex parte communication with the judge, communication in which I was not allowed to participate, communication that was illegal because I had no possibility to reply to what was said to the judge?

14) Is it constitutional by the judge to accept this ex parte

communication instead to tell the White House and it's lawyers to file their response to my complaint in writing with a service copy to me?

15) Is it constitutional for the Executive Office of the U.S. President, President Clinton, Al Gore, White House staffers and their attorneys to use Mafia-methods to turn a judge around instead using usual court proceedings in order to get a complaint dismissed?

16) Is this not evidence that the Executive Office of the U.S. President, President Clinton, Al Gore, the White House staffers and their attorneys are guilty as charged by me when they can't afford to appear in public court but have to use Mafia methods to get rid of my case?

17) Is it constitutional by Judge Buckley to allow the Executive Office of the U.S. President to be used by them like this?

18) Is it constitutional by the Eleventh Circuit Court, judges Black, Anderson, Carnes and Hull to cover up all the enormous wrongdoing by the Executive Office of the U.S. President and this of Judge Susan Buckley by dismissing my case by wrongfully claiming that my case would be frivolous?

19) Is it constitutional by Judge Buckley and appeal Judges Black, Anderson, Carnes and Hull to ask me to pay a filing fee when I want to pursue this case by knowing that I have no cent that I could give them?

20) Is it constitutional by the just mentioned judges to use my poverty to deny me access to the courts on this important case?

21) Is it constitutional by Judge Buckley, and the appeal Judges Black, Anderson, Carnes and Hull to be biased towards this case, Mark Rathbun (de Rothschild) and myself and not to recuse themselves from the case in order to make sure that no justice is granted to us?

22) Is it constitutional by the court to deny safe papers to me?

23) Is it constitutional for an appeal court to only act as white wash organization for a District Court, but not to investigate the facts of the case as the 11th Circuit Court did in this case?

24) Is it constitutional by the Executive Office of the President, Bill Clinton, Al Gore, the White House staffers and the White House attorneys to obstruct justice by not informing the Independent Counsel that investigates our matters of knowing me and having records on me and by not informing me where I can reach this Independent Counsel, someone else than Starr, to testify as to Mark Rathbun's innocence and to the fact that the United States government, offices and courts are infiltrated by a German controlled Nazi-conspiracy to overtake and destroy the United States?

25) Is it constitutional by the Executive Office of the President to interpret the law deliberately wrongfully in order to deny my rights for my own documents of the White House?

27) Is it constitutional by the Executive Office of the President to show a double moral as to Freedom of Information/Privacy Act requests, to preach to other agencies to reveal not conceal but being themselves masters of concealment of documents to cover up important facts that would bust a German Nazi-conspiracy that infiltrated the U.S. government in all its offices?

28) Is it constitutional by judge Buckley of the USDC of Middle Florida and the 11th Circuit Court judges to cover such unconstitutional-ity by the Executive Office of the U.S. President?

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- APPENDIX 1: A paper issued by the USDC for Middle Florida on this case, 98-813-CIV-T-24(E), Barbara Schwarz vs. White House, a case management report, saying my case is a Track Two case and can go into discovery. The White House was provided my me with a copy of this case management report. I mailed it to President Clinton, personal, on April 25, 1998.
- 2: My compliance report to Judge Bucklew of April 25, 1998, having served Executive Office of U.S. President, Bill Clinton with "Case Management Report", saying that case can go into pre-trial conference and to trial as ordered by court, Judge Bucklew on April 21, 1998.
- 3: Notice by the USDC for Middle Florida on same case, by Judge Bucklew and clerk of court, courtroom deputy by Judge Bucklew, Leida Kimbrough filed April 21, 1998, saying that this case was determined to me a track two case, that case will be tried within 12 to 18 months. This notice also says that Judge Bucklew encourages the completion of discovery on or before 6 to 8 months after defendants first pleading and that pretrial conference will be set 90 days after the dispositive motions deadline and that trial will be scheduled 120 days after the dispositive motions deadline.

- APPENDIX 4: Notice issued by court of Judge Bucklew on same case saying that case is designated as a Track 2 case in accordance with local rule 3.05 and that I am responsible to serve copy of this notice and attachments to defendant, which I have done on April 25, 1998.
- APPENDIX 5: Order by Judge Susan C. Bucklew of USDC of Middle Florida of May 13, 1998, being completely turned against me and this case, suddenly claiming (after having received ex parte communication by the Executive Office of the U.S. Attorney, likely President Clinton's lawyers) that my case would be frivolous and would lack arguable basis either in law or fact. Judge Bucklew did not specify why she suddenly has decided to cancel her former order to allow the case go to trial and why she finds that my case would have only slight realistic chances of ultimate success.
- APPENDIX 6: Order by Judge Susan C. Bucklew of May 31, 1998, ruling after she was with illegal methods turned around against me by White House, that my case, my appeal would be not taken in good faith and denied to me my application to proceed in forma pauperis with the appeal.
- APPENDIX 7: My motion for leave to appeal in forma pauperis and financial affidavit as filed to the U.S. Court of Appeals for 11th Circuit, case 98-2727, appeal of 98-00813-CV-724 E
- APPENDIX 8: Order by 11th Circuit Court Judge Susan H. Black of September 21, 1998 on appeal case 98-2727, stereotype repeating that my motion for leave to proceed in forma pauperis with appeal is denied, because appeal would be frivolous. Black ruled this without having accepted to read my brief for the appeal and without having facts of the appeal.
- APPENDIX 9: My Petition for Rehearing to which I attached my Opening Brief and Supplemental brief, documents that the 11th Circuit Court so far refused to file. Petition was addressed by me to chief judge of 11th Circuit Court, personal.

- APPENDIX 10: Order by 11th Circuit Court judges Anderson, Carnes and Hull denying my Petition for Rehearing by wrongfully claiming that my case would be frivolous. They named no reasons, no laws, no court opinions in this order.
- APPENDIX 11: My mail to President Clinton and Janet Reno.
- APPENDIX 12-20: Cards by White House to me.
- APPENDIX 21 : Four receipts of my certified mail received by White House for President Bill Clinton, personal.
- APPENDIX 22 : Letter by President Clinton to me of January 19, 1994.
- APPENDIX 23 : Letter by President Clinton to me of July 22, 1994, hushing up in both letters the German Nazi-conspiracy that infiltrated federal United States offices and courts hushing up the wrongful incarceration of Mark C. Rathbun (de Rothschild) and trying to get my attention away from Mark to other, not innocent prisoner, Fay.
- APPENDIX 24 : My Freedom of Information Act Request to White House, with copy to President Bill Clinton and Al Gore, personal of January 26, 1998, for my own records and records of Mark Rathbun, esp. when they contain documents on myself.
- APPENDIX 26 : Letter by White House, Associate Counsel to the President Lisa Hertzner Schertler of February 6, 1998 to me, saying wrongfully that they don't have to comply to FOIA/PA request.
- APPENDIX 27 : My appeal of this determination of February 10, 1998, directly to President Clinton, personal with copy to Al Gore, personal.
- APPENDIX 28 : Letter of March 9, 1998 by Lisa Hertzner Schertler, Associate Counsel of the President, repeating that they don't have to comply to FOIA/PA request, citing wrongful law as to my situation to deny my FOIA/PA request.
- APPENDIX 29 : Appeal by me to President Bill Clinton, personal with copy to Al Gore, personal of March 2, 1998.
- APPENDIX 30 : Appeal by me to President Bill Clinton, personal with copy to Al Gore, personal of March 13, 1998.

APPENDIX 31: The docket sheet of my appeal case 98-2727 of the 11th Circuit Court.

APPENDIX 32: The docket sheet of my USDC Middle Florida case 98-813-CIV-T-34 E. I requested it for many months from the clerk and it was denied to me. Judge Buckley finally rendered an order on January 5, 1999 and granted a docket sheet to me. The U.S. Supreme Court can see that it was ex parte communication with the judge and the White House and other criminal acts against me that made the clerk to deny that docket so long to me. The docket sheet that I finally received is cleared of the evidence of the ex parte communication, but the sequence of the events as listed in the docket points very clearly to ex-parte communication. First, trail was granted, suddenly no more, after White House contacted judge Buckley behind my back and turned her against me and my case in an absolutely illegal and unconstitutional move.

APPENDIX 33: The order by judge Buckley of January 5, 1999.

AUTHORITIES CITED:

U.S. CONSTITUTION,

BILL OF RIGHTS,

U.S. Code, TITLE 5, FOIA/PA, PARAGRAPHS 552(a)(f) and section 551 (I),

MEYER VS. BUSH, 981 F2d 1288 (D.C. Cir.1993)

RUSHFORD VS. COUNCIL OF ECONOMICS ADVISORS, 762 F2d 1038(D.C.CIR,1985)

PACIFIC LEGAL FOUNDATION VS. COUNCIL ON ENVTL. QUALITY, 636 F2d, 1259,

ARMSTRONG VS. EXECUTIVE OFFICE OF THE PRESIDENT, 90 FED.3rd, 553,557.

IN THE UNITED STATES SUPREME COURT

BARBARA SCHWARZ, plaintiff, appellant, petitioner, vs. the EXECUTIVE
OFFICE OF THE U.S. PRESIDENT, WHITE HOUSE, defendant.

I, Barbara Schwarz, plaintiff of case 98-813-CIV-T-34 E of the U.S. District Court of Middle Florida, and appellant of case 98-2727 of U.S. Court of Appeals for Eleventh Circuit, file herewith a Petition for Writ of Certiorari to the U.S. Supreme Court. My application to proceed in forma pauperis at the U.S. Supreme Court and my supporting affidavit is attached to this Petition.

OPINION BELOW:

Opinion by USDC of Middle Florida, Judge Susan Bucklew was on May 13, 1998, that my case would be frivolous, but before she received ex-parte communication from the White House, she was willing to allow this case to go to trial.

Opinion by 11th Circuit Court, Judges Black, Anderson, Carnes and Hull was to cover for Bucklew and affirm. They denied rehearing on October 20, 1998, they cited not one law or court opinion.
(The court orders are attached as listed in this Petition.)

JURISDICTION

The USDC of Middle Florida had jurisdiction over the defendant as pursuant to 5 USC 552 (a)(f). Judge Bucklew even wanted the case go to trial before she was turned against me by White House. 11th Circuit Court did not deny having jurisdiction.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED:

1) Article 2, Section 4. The Executive Office of the U.S. President is covering up documents before me which pertain to myself and also could lead me to the place where my husband Mark C. Rathbun is wrongfully incarcerated. Those documents are in the files of the White House and pursuant to U.S. Code, Title 5, FOIA/PA, paragraphs 552 (a)(f) and section 551 (I) I am entitled to a copy of those records. I am also Mark Rathbun's proper relief witness. My testimony would exonerate him. The White House knows that and keeps me deliberately away from him to

prevent this testimony and to obstruct justice. I have also all reasons to believe that President Clinton and Al Gore deliberately wrongfully claimed under oath to others, e.g. an Independent Counsel (other than Starr) his Grand Jury and members of Congress not knowing of me, not having received my mail, having no records on me and as far as President Clinton is concerned, not having responded to me in cards or letters that discriminate against Mark Rathbun by hushing his wrongful incarceration up and trying to get my attention away from Mark. I am further convinced that President Clinton's and Al Gore's action and non-actions in this case would be ground for impeachment.

2) ARTICLE III, SECTION 1,2. The judges that ruled on my case did not hold their office during good behavior. Judge Bucklew allowed that the White House secretly contacted her in order to deny my rights and those of Mark Rathbun and to dismiss the case, which she wanted to let to go to trial before the White House ex parte communication. The appeal court, the 11th Circuit court judges Black, Anderson, Carnes and Hull covered for Bucklew by acting same biased.

3) ARTICLE IV, SECTION 2. Neither Mark Rathbun or I are entitled to all Privileges and Immunities as other citizens as this case proves.

4) ARTICLE IV, SECTION 4. President Clinton, Al Gore, the White House staffers and the above named judges, including the U.S. Attorney's Office in Tampa are informed that a German originated, German oriented, German controlled Nazi-conspiracy infiltrated the United States government, agencies and courts to deny true and brave American's their rights and to secretly destroy the United States and it's values. The just named are all responsible of letting this invasion happen and are covering it up.

5) UNITED STATES CONSTITUTION, AMENDMENT 1: My right of free speech was denied by the courts by granting me no hearing nor trial and no first right of appeal. Also the Executive Office of the U.S. President denies my right of free speech, because they know without the documents they deny handing to me, that I can't get hold of Mark's case and can't testify the truth for him in the proper court.

6) AMENDMENT IV: I am not secure in my paper, because Executive Office of U.S. President is not complying to FOIA/PA laws, despite law clearly says that they shall reveal not conceal records, especially when private rights had been created as in this case. I am also not secure in my papers.

7) AMENDMENT V. Mark Rathbun is wrongfully incarcerated to the knowledge of the Executive Office of the U.S. President, Bill Clinton and Al Gore, the U.S. Attorney of Middle Florida and the named courts for crimes he never committed.

8) AMENDMENT VI. Mark Rathbun can't get a speedy trail because I am conspiratively stopped by the just named to testify for him in the proper court. His exact place of incarceration and/or any contact address to his representatives is deliberately withheld from me by the above named.

9) AMENDMENT VII. My right for a trail was denied by the courts after Executive Office of the U.S. President were turned around the courts in ex-parte communication.

8) AMENDMENT VIII. Mark Rathbun is innocent. He is being tortured behind bars and he could lose his life, because U.S. President Bill Clinton, Al Gore, the White House and the courts or the U.S. Attorney don't stop the German conspiracy that infiltrated the United States and denies Mark and myself all rights. This is cruel and unusual punishment for us who have not committed any crimes.

9) AMENDMENT IX. As the White House, President Clinton, Al Gore, the courts and the U.S. Attorney deliberately separate Mark Rathbun and myself, we can't be together, can't have a family together, We also can't maintain our health. Mark is being made seriously sick by this conspiracy behind bars. I can't even pay a dentist to get rid of terrible pain, because without having found Mark Rathbun, I can't even make a living in the United States and have to live in total poverty.

10) AMENDMENT XIII, Section 1. As for arguments and facts listed under all ten points sofar listed here, the above named reimplemented slavery by treating us so bad.

11) The Executive Office of U.S. President is violating also U.S. Code 552 (a)(f), which says: "For purpose of this section the term agency is defined in section 551 (I) of this title includes any executive department, government corporation, government controlled corporation or other establishment in the executive branch of the government, (including the Executive office of the U.S. President) or any independent regulatory agency". This law was violated by the above named.

STATEMENT OF THE CASE:

1) Between 1992 and 1995 I mailed approx. 100 letters to the President of the United States, William Jefferson Clinton with copy to Al Gore, the Vice President, personal. In these letters I asked President Clinton for assistance to help me prosecute a German originated, German oriented, German controlled Nazi-conspiracy that infiltrated United States federal agencies and courts and denied good American citizen as my husband Mark C. Rathbun (de Rothschild) and myself our civil and constitutional rights. I informed the President that Mark Rathbun is wrongfully incarcerated just because a Nazi-conspiracy framed him in court and that I receive absolutely no help by any U.S. agency or any U.S. court to get hold of him and to testify for him, despite that I am his proper relief witness and my testimony would exonerate Mark Rathbun.

2) President Clinton had an assistant of his writing to me that my matter deserves concern and that they forwarded it to the United States Department of Justice for investigation.

3) But as I informed the President before, the Dept, of Justice conspires against Mark Rathbun and myself and they did not investigate the matter. All I got was a very strange letter from the Federal Bureau of Prisons, preventing even to state the name of Mark C. Rathbun, mailing their letter to wrong name and incorrect address and denying that he is incarcerated.

4) I documented the non-investigative, sloppy and conspirative response by Federal Bureau of Prisons to President Clinton. He should have seen more than ever, that I was right with claiming that a Nazi-conspiracy infiltrated federal offices, as the U.S. Dept. of Justice. He acknowledged my mail to him and Al Gore with several cards.

5) On 1994, President Clinton wrote two personal letters to me, in which he hushed up this conspiracy and also hushed up the wrongful incarceration of Mark Rathbun. Instead of doing his duty as President of the United States, busting a German Nazi-conspiracy within federal offices that denies good citizens their

rights, President Clinton tried to pull my attentions away from this conspiracy and even away from my husband Mark C. Rathbun (de Rothschild) to non-innocent prisoner Michael Fay, a man who was never of any concern by me.

6) I wrote complaints and they must be in all kinds of legal files of the White House.

7) I also are convinced that my husband Mark Rathbun addressed President Clinton, Vice President Al Gore and other White House staff to ask them if I wrote to the President and the White House and where they can get hold of me, so that I can testify for Mark and that President Clinton, Al Gore and the White House misinformed him of not knowing me, not having received my hundreds of letters and not having written back to me (President Clinton).

8) I am also convinced that there is another Independent Counsel (not Kenneth Starr) who is investigating the Nazi-conspiracy against Mark C. Rathbun (de Rothschild) his wrongful incarceration and the cover up, the conspirative actions by federal offices and courts to deny our rights and to prevent that I can testify for Mark Rathbun.

9) This conspiracy is a German conspiracy, because the wrong charges against Mark Rathbun were brought originally by a bunch of criminal Germans.

10) I am also convinced that the White House deliberately misinformed the Independent Counsel of not knowing me, not having received my hundreds of letters and not having responded back to me.

11) On January 26, 1998, I wrote a Freedom of Information Act, Privacy Act request to the White House, pursuant to 5 USC 552 and 552 a. (Sec app. 24 attached.) I mailed it to

the White House FOIA/PA Officer, with copy to President Clinton, personal and copy to Al Gore, personal.

I asked for records in their files pertaining to myself, Barbara Schwarz or misspelled version of my name Schwartz. I also asked to check the White House files on Mark C. Rathbun (de Rothschild) for documents pertaining to me. I furthermore asked to check their legal files for documents pertaining to my FOIA/PA request.

12) On February 8, 1998, a determination was written by Associate Counsel to the President, Lisa Hertzner Schertler. She denied me access to my White House records by declaring the White House to be no agency within the Executive Branch and therefore FOIA/PA would be no statutory right. (See app. 26 letter of White House of Febr. 6, 1998, attached.)

13) Ms. Hertzner Schertler's understanding of FOIA/PA is completely wrong, because the White House, the Executive Office of the President is an agency as in the meaning of FOIA/PA. See 5 USC 552 (a) (f), "For purpose of this section the term 'agency' as defined in section 551 (1) of this title include any executive department, government corporation, government controlled corporation, or other establishment in the executive branch of the government, (including the Executive Office of the President) or any independent regulatory agency."

With this determination, the White House, Executive Office of the U.S. President is deliberately withholding records before me, that pertain to me, as pursuant to FOIA/PA, USC, Title 5, 552 and 552 a, (as amended 1974).

14) On February 10, 1998, I mailed an appeal of the Hertzner-Schertler determination to President Bill Clinton, personal and with copy to Vice President Al Gore, personal. I asked to correct this determination and to grant me a copy of my records as pursuant to USC, Title 5, 552 a (f). (See copy of this appeal attached) (App. 27 attached)

15) On March 9, 1998, I received another response by White House, Lisa Hertzler-Schertler. She continued to deny my FOIA/PA rights, by pointing to Meyer vs. Bush, 981 F2d 1288, (D.C. Cir. 1993). (See her other determination attached) *App. 28 attached*

16) This is another determination that denies in outrageous manner my FOIA/PA rights. I addressed the President and the Vice President in their official functions. I did not mail private or personal letters to them, that would belong in their personal files only, and I did not write such letters, that would need a special task force to advise and assist the President.

I attach evidence that 1) I wrote to President Clinton, personal and Al Gore, personal, but not to a task force or other unit in the White House, 2) that I wrote to President Clinton and Al Gore about a German Nazi-conspiracy having infiltrated the U.S. government to deny Mark C. Rathbun and myself, (Jews and Scientologists) our rights and that President Clinton and Al Gore should investigate this, because Dept. of Justice is controlled by this conspiracy and won't do it, 3) I received mail by the White House, (not a task force or special establishment) several cards, a letter by Marsha Scott, Deputy Assistant to the President and Director of Presidential Correspondence of February 23, 1993, (but not a special task force and special establishment), and, after Ms. Scott's "help" turned out completely ineffective, I continued to write to President Clinton with copy to Al Gore, and I received two letters by President Clinton, personal, of January 19, 1994 and July 22, 1994, in which he tries to get my attention away from wrongful incarcerated Mark Rathbun and from this Nazi-conspiracy that infiltrated the U.S. government.

As evidence I attached to my complaint as filed in USDC Middle Florida,

a) My letter of January 20, 1993 to President Clinton, with copy to Al Gore. (See app. E attached)

b) The letter by the White House, Marsha Scott, White House staff of February 23, 1994. (See app. F attached)

c) My letter of February 28, 1993 to U.S. Dept. of Justice with copy to President Clinton, and White House staffer Marsha Scott. (See app. G attached)

- d) My letter to President Clinton, personal with copy to Janet Reno, that I need better help from him as referral of my complaints to Dept. of Justice as by Marsha Scott. (See app. H attached)
- e) President Bill Clinton's personal letter to me of January 19, 1994, (See app. E attached to my *Opening Brief*)
- f) My letter of June 27, 1994, mailed to President Clinton and Al Gore (but no task force or special establishment) at least 50 times. (See app. J, this letter attached)
- g) My letter of July 5, 1993 to President Clinton, personal, (app. K)
- h) Letter by President Clinton, personal to me of July 22, 1994. (see app. F attached to my *Opening Brief*)
- i) Four cards and envelope by the White House, President Clinton to me. (See app. G attached to my *Opening Brief*)
- j) The receipt for certified mail by me to the White House, President Clinton and the Domestic Return cards, (see app. H attached to my *Opening Brief*)

With above and the appendix, I not only make the point that President Clinton conspires against Mark C. Rathbun (de Rothschild) and contributes to his wrongful incarceration and that I can't testify for him to get him exonerated^{ed} he also covers up a Nazi-conspiracy that infiltrated the U.S. government, but that I had correspondence with the White House, the Executive Office of the U.S. President, with the President, Bill Clinton, himself, but not with some task force or special establishment that advises and assists the President.

As a record was created within the Office of the U.S. President, the Executive Office, and as I requested a copy of my records from there, President Clinton, Al Gore and the White House, staff and counsel have no right to shift the records to a special task force or unit, to prevent that I can get access to it.

17) President Clinton issued a memorandum and press release on October 4, 1993, in which he urged all federal departments and agencies to renew their commitment to the Freedom of Information Act, to it's underlying principles of government openness. It is double moral to ask this from others, but not to commit to FOIA/PA himself.

- 18) My correspondence with President Clinton and the White House created private rights, and is subject to review. My FOIA/PA request has nothing to do with an executive order devoted solely to internal management of executive branch. I am interested in the record that was created by the White House, resulting in my correspondence with the President and I am very interested to know if Mark Rathbun, his attorneys or an Independent Counsel addressed President Clinton, Al Gore and the White House if such correspondence exist and if they misinformed them and denied this records to obstruct justice.
- 19) The White House is a permanent office and agency, with significant staff and broadly delegated powers and that is an agency within 5 USCA paragraph 551 (1), 552 (b) (5), 552 (e), as for example the Office of Management of Budget (OMB) is an agency in meaning of FOIA/PA.
- 20) The Office of Science and Technology (OST) is a distinct entity within the Executive Office of the President, and was determined to be a FOIA agency. (See Rushford vs. Council of Economics Advisers, 762 F2d 1038, D.C. Cir. 1985). OST even is known for having assisted and advised the President.
- 21) The Council of Environmental Quality is entity within the Executive Office of the President and was determined to be an agency in meaning of FOIA. Also this council advises and assists the President. (See Pacific Legal Found. vs. Env'tl. Quality, 636 F2d 1259, D.C. 1980)
- 22) The White House also failed to explain to me to which task force or special establishment they transferred my correspondence with the President and his correspondence with Mark Rathbun, his attorneys and an Independent Counsel in regards of me.
- 23) The White House, Executive Office of the President is a body with "substantial independent authority" to direct executive branch officials and has commitment to FOIA/PA.
- 24) The Task force on Regulatory Relief provided Meyer at least with some documents in frame of her FOIA request, but White House, Ms. Hertzler Schertler, counsel to the President, does not want to provide me with even a single document.
- 29) The President of the United States has substantial, independent

directional authority and could and should order that these records that I requested are being released to me.

30) Ms. Hertzler Schertler is saying in other words that my records are so special, so highly sensitive that I should not obtain a copy of my records. This raises the serious question of cover up and conspiracy by the White House against Mark Rathbun and myself.

31) In Meyer vs. Bush, the Task Force is mentioned as one which is charged with the "overall direction" of the President's regulatory reform program. It is shielded from disclosure laws, while Office of Management Budget, which operates under the Task Force is not. This clearly maps out the formula for getting around disclosure laws in the Executive Office of the President. It must be clarified what is making my records so special and highly sensitive for the President and the White House that disclosure to FOIA/PA should be not applied.

32) To extend that President's closest advisers need to protect sensitive policy discussions, they can more appropriately do so through FOIA exemptions, which protects particular records from disclosure, rather than through FOIA agency determination which bars all records from disclosure. (See Pacific Legal Foundation, 636 F2d at 1265.)

I am not saying that I am satisfied with records that would be exempted, but at least it would be a start, and not a complete denial of my FOIA/PA rights.

33) I exhausted my legal remedies with the White House, Office of Executive Office of the President and had right to bring this case for a District Court.

34) On March 24, 1998, I wrote a complaint against the White House, Executive Office of the U.S. President to the U.S. District Court of Florida, District of Middle Florida in Tampa, because when this case would go to trial, I would reside in Tampa. (See original complaint in records of USDC Middle Florida, and see the exhibits attached hereto.)

With the complaint I filed also an Application to proceed in

forma pauperis, to proceed without prepayment of fees and affidavit, an entry of appearance, and a motion to the court that the court should arrange as soon as possible that summons and complaint ect. are served upon defendant, because I am pro se and indigent. (See those motions and papers in the original court records of USDC.)

35) The District Court received my mail on April 15, 1998, but they refused to me a proper Domestic Return Card with evidence of delivery to this court. They mailed it to me without court received stamp and only with illegible signature by what could be a private person in a private household.

36) I did not hear from the USDC of Middle Florida as to if my case was filed, so I had to wrote a request for clarification to chief judge of this court. _____

37) After that I finally received my confirmation copies back, but without evidence of filing, only with received stamp or with no stamp at all. Case was with the court latest on April 15, 1998 and case number 98-813-CIV-T-24 E was issued to the case.

38) On April 17, 1998, I received a letter by deputy clerk Suzman, that my case would be pending before the District Judge. I was not informed what judge that was. _____

39) On April 21, 1998, a Notice of Designation under local rule 3.05 was mailed to me by clerk Sletten and deputy Linda Kimbrough. Apparently, the judge studied my case, and I finally heard that the judge is judge Bucklew. I was informed that my case is a track 2 case. I was ordered to serve a copy of this notice and attachment, that was case management report form to other party. (See app. 3 attached, the notice and the notice that sais that my case will go to trail within 12 to 18 months.)

40) The case management report was also issued by this court on my case vs. White House. (See app. 1 copy attached.)

41) On April 25, 1998, I mailed a copy of the notices and the case management report to the White House, President Bill Clinton, personal. (See app. 2 copy of compliance attached.)

42) On April 25, 1998, I mailed another request for information to the District Court, because I still had not heard of my application to proceed in forma pauperis or motion to the court to serve defendant for me as being granted.

43) On April 29, 1998, I received another letter by deputy clerk Suzman that my application to proceed in forma pauperis would be currently under review by the judge.

44) On May 13, 1998, suddenly judge Susan C. Bucklew dismissed my complaint and application to proceed in forma pauperis. (See app. 5, copy of order attached.)

45) Apparently, the court knew that this order denies my rights and is absolutely unjust and likely also other reasons, the court did not want me to obtain a copy of the order on my own case, that is why the court altered my name from Schwarz to Schwartz on the envelope, in hope it would be not delivered to me.

46) On May 18, 1998, I mailed my Notice of Appeal to the District Court of Middle Florida with another application to grant to me to appeal this case by accepting my application to proceed in forma pauperis.

I like to inform the appeal court, that I did not get a copy of the requested docket sheet of my own case by the court, clerk Sletten, which is an outrageous violation of my constitutional right for safe papers. Apparently the court does not want me to have the docket of my own case, because they have to cover up so much on the case.

47) The Notice of Appeal was mailed to me in form of my confirmation copy, but only with a received-stamp, and this has the result that I can't even inform the court when exactly my Notice of Appeal was being filed, I only can inform this court that Notice of appeal was received by the District Court on May 26, 1998.

48) My Application to proceed in forma pauperis with appeal came back without any confirmation stamp.

49) The Eleventh Circuit Court mailed back my Opening Brief they were not interested in the law violations by the White House of the USDC of Middle Florida.

50) On Sept. 21, 1998, the Eleventh Circuit Court Judge Susan H. Black, rendered an order denying my motion to proceed in forma pauperis with the case, because the appeal would be "frivolous". The 11th Circuit Court judges acted as white wash panel for the USDC Middle Florida only. They never looked at the facts of my case and ignored outrageous wrongdoing by White House. From my applications to proceed in forma pauperis the judges knew that I have so little money that I can't file the case, because can't afford the filing fees. They used my sad financial situation to deny my rights to petition to the courts. (see app. 8, attached)

51) On October 30, 1998, 11th Circuit Court, Judges Anderson, Carnes and Hull denied with an order a rehearing of the case. (see app. 9, attached)

REASONS WHY PETITION FOR WRIT OF CERTIORARI SHOULD BE GRANTED

Judge Susan Bucklew rendered her order and very wrongfully ruled that my case would be frivolous, because my complaint would lack arguable basis either in law or in fact.

I refer the appeal court again to my complaint. The issues raised in this complaint are serious issues against the White House and their cover up of existing correspondence on and their refusal to grant Freedom of Information Act records to me:

ISSUE ONE:

I asked for records in their files pertaining to myself, Barbara Schwarz or misspelled version of my name Schwartz. I also asked to check the White House files on Mark C. Rathbun (de Rothschild) for documents pertaining to me. I furthermore asked to check their legal files for documents pertaining to my FOIA/PA request.

On February 8, 1998, a determination was written by Associate Counsel to the President, Lisa Hertzler Schertler. She denied me access to my White House records by declaring the White House to be no agency within the Executive Branch and therefore FOIA/PA would be no statutory right. (See app. 26 letter of White House of Febr. 6, 1998, attached.)

Ms. Hertzler Schertler's understanding of FOIA/PA is completely wrong, because the White House, the Executive Office of the President is an agency as in the meaning of FOIA/PA. See 5 USC 552 (a) (f), "For purpose of this section the term 'agency' as defined in section 551 (1) of this title include any executive department, government corporation, government controlled corporation, or other establishment in the executive branch of the government, (including the Executive Office of the President) or any independent regulatory agency."

With this determination, the White House, Executive Office of the U.S. President is deliberately withholding records before me, that pertain to me, as pursuant to FOIA/PA, USC, Title 5, 552 and 552 a, (as amended 1974).

On February 10, 1998, I mailed an appeal of the Hertzler-Schertler determination to President Bill Clinton, personal and with copy to Vice President Al Gore, personal. I asked to correct this determination and to grant me a copy of my records as pursuant to USC, Title 5, 552 a (f). (See copy of this appeal attached as app. 27.)

On March 9, 1998, I received another response by White House, Lisa Hertzler Schertler. She continued to deny my FOIA/PA rights, by pointing to Meyer vs. Bush, 981 F2d 1288, (D.C. Cir. 1993). (See her other determination attached as app. 28)

This is another determination that denies in outrageous manner my FOIA/PA rights. I addressed the President and the Vice President in their official functions. I did not mail private or personal letters to them, that would belong in their personal files only, and I did not write such letters, that would needed a special task force to advise and assist the President.

I attach evidence that I) I wrote to President Clinton, personal and Al Gore, personal, but not to a task force or

other unit in the White House, 2) that I wrote to President Clinton and Al Gore about a German Nazi-conspiracy having infiltrated the U.S. government to deny Mark C. Rathbun and myself, (Jews and Scientologists) our rights and that President Clinton and Al Gore should investigate this, because Dept. of Justice is controlled by this conspiracy and won't do it, 3) I received mail by the White House, (not a task force or special establishment)

several cards, a letter by Marsha Scott, Deputy Assistant to the President and Director of Presidential Correspondence of February 23, 1993, (but not a special task force and special establishment), and, after Ms. Scott's "help" turned out completely ineffective, I continued to write to President Clinton with copy to Al Gore, and I received two letters by President Clinton, personal, of January 19, 1994 and July 22, 1994, in which he tries to get my attention away from wrongful incarcerated Mark Rathbun and from this Nazi-conspiracy that infiltrated the U.S. government.

With the appendix, I not only make the point that President Clinton conspires against Mark C. Rathbun (de Rothschild) and contributes to his wrongful incarceration and that I can't testify for him to get him exonerated^{and} he also covers up a Nazi-conspiracy that infiltrated the U.S. government, but that I had correspondence with the White House, the Executive Office of the U.S. President, with the President, Bill Clinton, himself, but not with some task force or special establishment that advises and assists the President.

As a record was created within the Office of the U.S. President, the Executive Office, and as I requested a copy of my records from there, President Clinton, Al Gore and the White House, staff and counsel have no right to shift the records to a special task force or unit, to prevent that I can get access to it.

President Clinton issued a memorandum and press release on October 4, 1993, in which he urged all federal departments and agencies to renew their commitment to the Freedom of Information Act, to its underlying principles of government openness. It is double moral to ask this from others, but not to commit to FOIA/PA himself.

My correspondence with President Clinton and the White House created private rights, and is subject to review. My FOIA/PA request has nothing to do with an executive order devoted solely to internal management of executive branch. I am interested in the record that was created by the White House, resulting in my correspondence with the President and I am very interested to know if Mark Rathbun, his attorneys or an Independent Counsel addressed President Clinton, Al Gore and the White House if such correspondence exist and if they misinformed them and denied this records to obstruct justice.

The White House is a permanent office and agency, with significant staff and broadly delegated powers and that is an agency within 5 USCA paragraph 551 (1), 552 (b) (5), 552 (e), as for example the Office of Management of Budget (OMB) is an agency in meaning of FOIA/PA.

The Office of Science and Technology (OST) is a distinct entity within the Executive Office of the President, and was determined to be a FOIA agency. (See Rushford vs. Council of Economics Advisers, 762 F2d 1038, D.C. Cir. 1985). OST even is known for having assisted and advised the President.

The Council of Environmental Quality is entity within the Executive Office of the President and was determined to be an agency in meaning of FOIA. Also this council advises and assists the President. (See Pacific Legal Found. vs. Env'tl. Quality, 636 F2d 1259, D.C., 1980).

The White House also failed to explain to me to which task force or special establishment they transferred my correspondence with the President and his correspondence with Mark Rathbun, his attorneys and an Independent Counsel in regards of me.

The White House, Executive Office of the President is a body with "substantial independent authority" to direct executive branch officials and has commitment to FOIA/PA.

The Task force on Regulatory Relief provided Meyer at least with some documents in frame of her FOIA request, but White House, Ms. Hertzler Schertler, counsel to the President, does not want to provide me with even a single document.

The President of the United States has substantial, independent

directional authority and could and should order that these records that I requested are being released to me.

Ms. Hertzler Schertler is saying in other words that my records are so special, so highly sensitive that I should not obtain a copy of my records. This raises the serious question of cover up and conspiracy by the White House against Mark Rathbun and myself.

In Meyer vs. Bush, the Task Force is mentioned as one which is charged with the "overall direction" of the President's regulatory reform program. It is shielded from disclosure laws, while Office of Management Budget, which operates under the Task Force is not. This clearly maps out the formula for getting around disclosure laws in the Executive Office of the President. It must be clarified what is making my records so special and highly sensitive for the President and the White House that disclosure to FOIA/PA should be not applied.

To extend that President's closest advisers need to protect sensitive policy discussions, they can more appropriately do so through FOIA exemptions, which protects particular records from disclosure, rather than through FOIA agency determination which bars all records from disclosure. (See Pacific Legal Foundation, 636 F2d at 1265.)

I am not saying that I am satisfied with records that would be exempted, but at least it would be a start, and not a complete denial of my FOIA/PA rights.

The question that raises is, why judge Bucklew ruled that the realistic chances of ultimate success are slight. Is it because the White House is above the law and no court wants to correct it, or especially judge Bucklew's court is unwilling to correct the White House?

What is unrealistic about it to compel the White House to make my records in the White House available to me? What is unrealistic about it to let the case go into discovery phase?

Furthermore, judge Bucklew ignored completely that in Mayer v. Bush, 981 F2d 1288, (D.C. Cir 1993), the facts of the case are very different.

In my case private rights were created. I requested records from the Presidential Office and from his legal office, not from

a special task force or unit, as in Meyer vs. Bush.

Judge Buckley also ignored that in Meyer vs. Bush, Meyer at least got some documents, I got none.

I also asked my records from President Clinton himself, not from a unit whose sole function is to advise and assist the President.

The President has to comply with FOIA/PA requests, I wrote to him in his function as U.S. President. He responded, in his function of President, he received mail by others on me, and they wrote to him in his function as President, and he responded in his function as President.

Those are the records that I want, those are the records that President Clinton has, and it makes no, absolutely zero sense that President Clinton is allowed to cover those records up by having not to respond to FOIA/PA request.

President Clinton, Al Gore and the White House are informed about the wrongful incarceration of Mark C. Rathbun (de Rothschild). They know I am not only his wife, but also his proper relief witness. They know that Mark Rathbun and I are the target of a German oriented, German controlled, German originated Nazi-conspiracy, that framed Mark Rathbun in court, which lead to his wrongful incarceration, and that I need help of the U.S. authorities to find him to testify the truth and convict this conspiracy.

Fact is, that President Clinton and the White House do not even not help me to get hold of Mark Rathbun, they deliberately keep us apart by denying our records to each other, so that we can't find each other again.

It would have been duty of Bill Clinton, Al Gore and the White House staff to investigate any conspiracy within governmental agencies, a conspiracy that I documented to Bill Clinton and Al Gore, but they have not only not investigated this conspiracy, they even actively contribute to it, by denying us our rights in same style as it this conspiracy does.

President Clinton even tried to get my attention away from Mark Rathbun to other issues or even to another prisoner, who is not innocent as Mark Rathbun is. (See my correspondence with him attached to complaint.)

From the letters and cards that came from the White House, as well from the certified mail receipts and return cards, the courts know that a record exist. Also the Department of Justice,

Executive Secretariat mailed me control sheets, that acknowledge records pertaining to myself, in files of President Clinton and the White House. (See attached app. X, Y and Z, to *my Opening Brief*) There is no ground for the White House to deny FOIA/PA to me. This agency should be an example of doing those things they preach other agencies should do. In other words: The White House should be first of all this agency in the United States, that ~~should not~~ cover up records.

I am also convinced that the White House would grant my request for FOIA/PA, if they would have not many documents in their files that prove the existance of conspiracy and cover up against Mark Rathbun and myself.

Discovery in this case could have revealed that Mark Rathbun, his family, their attorneys and even an Independent or Special Counsel addressed the White House, President Clinton, Al Gore and others within the White House, if they would know about me, if I would have written to the White House, but that President Clinton, Al Gore and others within the White House deliberately misinformed those individuals that they would not know of any correspondence by me, by having hundreds of letters by me in their drawers.

This act is obstruction of justice as well as the part, to keep innocent Mark Rathbun behind bars. He could lose his life behind bars. President Clinton, Al Gore and the White House ~~are~~ informed that Mark Rathbun is target of conspiracy that harasses and tortures him behind bars. To deny help to him and me is absolute inhumane and a high crime.

I also need the help by the White House in locating Mark Rathbun for my own sake. I was kidnapped from the United States and I have to restore my U.S. citizenship again. The Germans that kidnapped me removed every evidence of me being born in the United States out of governmental offices. Mark Rathbun and his family are the only ones that would testify the truth as to me being born in the United States. Without their testimony I can't support myself in the United States and have to live in absolute poverty.

As to the venue: The USDC Middle Florida has jurisdiction and venue, because I informed judge Bucklew in my complaint that I would reside in Tampa when this case would go to trail.

As a summary, judge Bucklew made it very easy on herself to dismiss my case, without to try to correct the outrageous wrongdoing by the White House.

2. SECOND ISSUE:

There is not doubt that judge Bucklew is biased towards me and this case. Her ruling is so pro-White House, that she would let come the White House away with murder. She acted as she would be deaf to the completely different situation of Meyer vs. Bush and my case vs. the White House.

Moreover, judge Bucklew must have had ex-parte communication with the White House on this case, because after I mailed a copy of the notices of judge Bucklew and the case management report, end of April 1998 to President Clinton, personal, judge Bucklew changed and dismissed the case.

If the case would have been really frivolous, as judge Bucklew later claimed, how come that this case was evaluated by her on April 21, 1998 and it was determined that this case is a track 2 case and should go to trial within 12 to 18 months?

In other words: The case was not considered frivolous till judge Bucklew received ex parte communication from the White House. Instead of filing proper papers, the White House, President Clinton and his lawyers must have called judge Bucklew and they discussed the case behind my back. The White House also must have been sure that they have a bad stand in the case, otherwise they would have accepted service of summons and complaint and would have filed their motions for summary judgment or motion to dismiss. However, as White House knows that they should have granted FOIA/PA request to me and should have turned over a copy of my records at the White House, and because the White House covers up knowing about the wrongful incarceration of Mark Rathbun, so that I can't testify for him and can't bring the German Nazi-conspiracy to it's knees, this conspiracy that infiltrated all U.S. agencies and also courts, the White House preferred to have ex parte communication with judge Bucklew and she went along with it and dismissed my case after having agreed with the White House to do so.

There are also other indicators, that the court of judge Bucklew denied my rights of fair court proceedings and safe papers. As :I

listed in my section "Statement of the Case" of this brief, the U.S. District Court mailed incomplete Domestic Return Card, without evidence of delivery to the court back to me. Despite I requested evidence of filing on my confirmation copies of my motions to the court, those confirmation copies came back without evidence of filing, only sometimes with a received-stamp by the court or often not stamped and signed at all. The clerks also tore off the filed stamp of a confirmation copies of mine, to deny evidence of filing of my own papers in this court.

3rd ISSUE:

Judge Buckley was so turned around by the White House, that she did not only dismiss a case that she considered before worthy to go to trial, she also filed another order of May 31, 1998, saying that in forma pauperis status for the appeal shall be not granted to me, despite my impecuniosity. In other words: Judge

Bucklew and the White House denied my first right of appeal with this order, because they knew that I am unable to pay the money for the appeal. The order also should negatively influence the 11th Circuit Court judges to not even look at my appeal brief and the facts of the case.

Judge Bucklew knew that my case was filed in good faith, so was the appeal, nevertheless she cited two cases, Coppedge vs. U.S. and Brown vs. Carpender and both cases have nothing to do with my case. I am not a convicted criminal and I did not complain about prison treatment in this case. I am not incarcerated. That I look for my innocent and wrongfully incarcerated husband Mark Rathbun (de Rothschild) and that Executive Office of U.S. President, Bill Clinton and Al Gore know about his whereabouts and are deliberately keeping this information from me is another matter and deserves investigation.

4TH ISSUE:

The 11th Circuit Court, judges Black, Anderson, Carnes and Hull are same biased as judge Bucklew towards my case, Mark Rathbun and myself. Evidence of this is that they did not even want to see my brief or any facts and arguments in this case. They were obsessed with covering up for Bucklew and dismissing the case.

An appeal court is not allowed to act only as white-wash-organization for corrupt ruling of the lower court. The appeal court has a duty to look at the facts of the case. The appeal court has a duty to allow free speech of the appellant. Otherwise, and in this case, the constitutional rights of an appeal, of free speech and to petition to the government is denied.

CONCLUSION:

The 11th Circuit Court has sanctioned a real bad departure by the USDC of Middle Florida from the usual court proceedings and from the U.S. Constitution in this case.

This calls for supervision of the U.S. Supreme Court.

Please grant Petition for Writ of Certiorari in this case.

Dated this: *January 19, 1999*

Barbara Schwarz
by Barbara Schwarz

MAILING CERTIFICATE: A copy of foregoing petition was mailed with prepaid and first class postage to following:

1) Executive Office of the U.S. President, White House, Attn: President Bill Clinton, personal, and Vice President Al Gore, personal, 1600 Pennsylvania Ave. N.W. Washington D.C. 20500, and to

2) Solicitor General, U.S. Department of Justice, Washington D.C. 20530.

Dated this: *January 19, 1999*

Barbara Schwarz
by Barbara Schwarz

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BARBARA SCHWARZ,
Plaintiff,

v.

Case Number:98-813-CIV-T-24(E)

WHITE HOUSE,
Defendant,

CASE MANAGEMENT REPORT

1. Meeting of Parties: Pursuant to Local Rule 3.05(c)(2)(B) or (c)(3)(A), a meeting was held on _____ (date) at _____ (time) at _____ (place) and was attended by:

Name

Counsel for if applicable

2. Pre Discovery Initial Disclosures of Core Information:

a. Fed. R. Civ. P. 26(a)(1)(C)&(D) Disclosures (*Local Rule 3.05(d) provides that these disclosures are mandatory in Track Two Cases and optional in other cases unless otherwise ordered by the Court. Complete the following in all Track Two cases and, when applicable, in Track Three Cases:*

The parties

_____ have exchanged (check one)

_____ agree to exchange

information described in Fed. R. Civ. P. 26(a)(1)(C)&(D)

_____ on (check one)

_____ by

_____ (date). Below is a detailed description of information disclosed or scheduled for disclosure.

2/94

APP. I

BARBARA SCHWARZ
335 EAST BROADWAY, APT. 401
SALT LAKE CITY, UT. 84111

IN THE UNITED STATES DISTRICT COURT
FOR MIDDLE FLORIDA, TAMPA DIV.

BARBARA SCHWARZ,
(PLAINTIFF)

vs.

WHITE HOUSE, EXECUTIVE OFFICE
OF U.S. PRESIDENT,
(DEFENDANT)

CASE: 8:98-cv-00813
(JUDGE SUSAN C. BUCKLEW)

COMPLIANCE TO NOTICE FILED APRIL
21, 1998.

This is a report of compliance by plaintiff Barbara Schwarz to notice by clerk Sletten and judge Bucklew of April 21, 1998. Today, on April 25, 1998, a copy of the both notices as filed April 21, 1998 with attachment "Case Management Report", was mailed by me, with prepaid first class postage to defendant: White House, Executive Office of U.S. President, Attn. President William Jefferson Clinton, personal, 1600 Pennsylvania Ave. N.W. Washington D.C. 20500.

Dated this: April 25, 1998

Barbara Schwarz
by Barbara Schwarz

MAILING CERTIFICATE: A correct copy of foregoing was mailed with first class postage on April 25, 1998 to White House, 1600 Pennsylvania Ave. N.W. Washington D.C. 20500, Attn. President Bill Clinton, personal.

Barbara Schwarz
Barbara Schwarz

APP. 2

PUBLISHER'S NOTE:

ORIGINAL PAGINATION IS NOT CONTINUOUS.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BARBARA SCHWARZ,

vs.

WHITE HOUSE,

CASE NO. 98-813-CIV-T-24(E)

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA
APR 21 PM 3:56

NOTICE

The Court advises the parties of the following:

A. Most Track 2 cases will be tried within twelve (12) to eighteen (18) months of the filing date. In order to further the prompt resolution of this case, Judge Bucklew encourages the completion of discovery on or before six (6) to eight (8) months after the date of the defendant(s)' first pleading. Parties seeking more than eight (8) months for discovery shall make such request, along with a showing of good cause, in an addendum to the Case Management Report.

B. A Pretrial Conference will be set ninety (90) days after the dispositive motions deadline. A trial will be scheduled one hundred and twenty (120) days after the dispositive motions deadline.

C. **MOTIONS FOR EXTENSION OF TIME RARELY WILL BE GRANTED
AND ONLY UPON A SHOWING OF GOOD CAUSE.**

SUSAN C. BUCKLEW
United States District Judge

By: *Leida Kimbrough*
Leida Kimbrough, Courtroom Deputy

APP. 4

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED

APR 13 1998 13:52

BARBARA SCHWARZ,

Plaintiff,

vs.

Case No. 98-813-CIV-T-24(E)

WHITE HOUSE, EXECUTIVE
OFFICE OF THE U.S. PRESIDENT,

Defendant.

ORDER

This cause comes before the Court for consideration of Plaintiff's Application to Proceed in forma pauperis (Doc. No. 2, filed April 15, 1998).

Section 1915(a), Title 28 United States Code, provides:

Any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees and costs or security therefor, by a person who makes affidavit that he is unable to pay such costs or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that he is entitled to redress.

As a threshold matter, however, the Court must determine whether Plaintiff's complaint (Doc. No. 1) is frivolous and therefore subject to dismissal. 28 U.S.C. 1915(d)¹; see, e.g., Moreland v. Wharton, 899 F.2d 1168 (11th Cir. 1990). A complaint is deemed frivolous "where it lacks an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989). Specifically, the Court must evaluate the complaint to determine whether "the plaintiff's

¹28 U.S.C. § 1915(d) provides in pertinent part:

The court may . . . dismiss the case if the allegation of poverty is untrue, or if satisfied that the action is frivolous or malicious.

FILM ROLL

116

DOCUMENT

0678-0675

APR. 5

8

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BARBARA SCHWARZ,
Plaintiff,

vs.

CASE NO. 98-813-CIV-T-2405

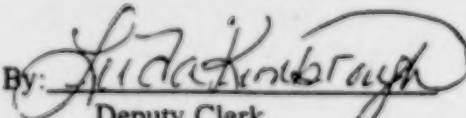
WHITE HOUSE,
Defendant.

NOTICE OF DESIGNATION UNDER LOCAL RULE 3.05

Please take notice that, in accordance with Local Rule 3.05, this action is designated as a Track 2 Case. Plaintiff is responsible for serving a copy of this notice and any attachment to this notice upon all other parties. All parties must meet any requirements established in Local Rule 3.05 for cases designated on this track. With respect to Track Two and Track Three Cases, parties should utilize the attached Case Management Report form.

RICHARD D. SLETTEN, CLERK

April 21, 1998

By: 
Deputy Clerk

Distribution:

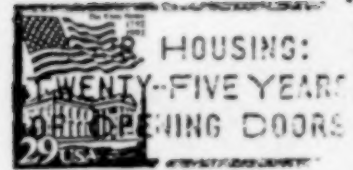
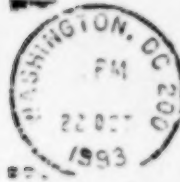
- Original in Court file
- Copies to Plaintiff(s) (including habeas petitioner(s), bankruptcy appellant(s), and removing defendant(s))
- Case Management Report form attached to notice designating Track Two or Three Cases

APP. 3

5

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20 APR 21 11:35
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

THE WHITE HOUSE
WASHINGTON



BARBARA SCHWARZ
235 S 200 E #111
SALT LAKE CITY, UT 84111

14



APP 14



THE WHITE HOUSE
WASHINGTON

Thank you for writing with your thoughts and concerns. I apologize for the delay in responding, but the volume of mail I've received has been overwhelming.

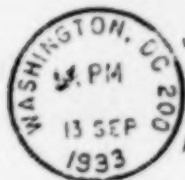
I am honored by the outpouring of support and interest in my programs and challenged by the many pieces of constructive criticism received. While I haven't been able to respond to every issue raised, your ideas and opinions mean a great deal to me. I welcome the opportunity to hear from you again.

Bill Clinton

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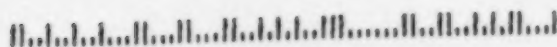
APP. 15

THE WHITE HOUSE
WASHINGTON



BARBARA SCHWARZ
235 S 200 E APT 111
SALT LAKE CITY UT 84111-2415

95 1000



pp 16



THE WHITE HOUSE
WASHINGTON

Thank you for writing with your thoughts and concerns. I apologize for the delay in responding, but the volume of mail I've received has been overwhelming.

I am honored by the outpouring of support and interest in my programs and challenged by the many pieces of constructive criticism received. While I haven't been able to respond to every issue raised, your ideas and opinions mean a great deal to me. I welcome the opportunity to hear from you again.

Bill Clinton

APP. 17

PRINTED ON RECYCLED PAPER

THE WHITE HOUSE
WASHINGTON



Barbara Schwarz
235 South 200 East #111
Salt Lake City, Utah 84111

0 6000



Apr. 19



THE WHITE HOUSE
WASHINGTON

Thanks so much for writing. I welcome your thoughts and
promise they will be carefully considered. I appreciate your
taking the time to let me know how you feel.

Bill Clinton

PRINTED ON RECYCLED PAPER

Apr. 20

2 371 183 512

**Receipt for
Certified Mail**

No Insurance Coverage Provided
Do not use for International Mail
(See Reverse)

PS Form 3800, March 1993					
Sent to <u>White House, President B. Clinton</u> <u>Clinton Personal</u>					
Street and No. <u>1600 Pennsylvania Ave.</u> <u>N.W. Washington D.C.</u>					
P.O., State and ZIP Code <u>20500</u>					
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Certified Fee	<input checked="" type="checkbox"/>				
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APP 21

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this card to return this card to your agent.
- Attach this form to the front of the malpractice, or other, policy that does not permit assignment.
- Write "Return Receipt Requested" on the malpractice or other policy.
- The Return Receipt will show to whom the policy is being assigned.

I also wish to receive the following services (for an extra fee):

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3 and 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number delivered.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to: **White House, Attn: Pres. de la Riba, Clinton, personal, 1600 Pennsylvania Ave., N.W., Washington, D.C. 20500.**

4a. Article Number: **2-371183-512**

4b. Service Type: ☐ Registered ☐ Insured ☒ Certified ☐ COD

5. Signature (Addressee): **Barbara Bush, Jan 22, 1996**

6. Signature (Sender): **Barbara Bush, Jan 22, 1996**

7. Date of Delivery: **JAN 26 1996**

8. Addressee's Address (Only if requested and fee is paid):

9. Also wish to receive the following services (for an extra fee): ☐ Addressee's Address ☐ Restricted Delivery ☐ Consult postmaster for fee.

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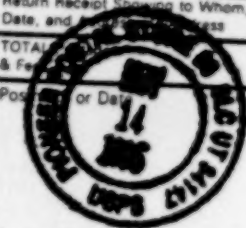
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PS Form 3800, March 1993



Send to <u>White House</u>	
Attn: <u>Bill Clinton, personal</u>	
Street and No. <u>1600 Pennsylvania Ave. (N.W.)</u>	
P.O., State, and ZIP Code <u>Washington D.C. 20500</u>	
Postage	X \$ <u>32</u>
Certified Fee	X <u>1.10</u>
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	X <u>112</u>
Return Receipt Showing to Whom, Date, and Address	
TOTAL & Fees	\$ <u>22</u>
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<p>SEND</p> <p>• Com.</p> <p>• Con.</p> <p>• Print</p>	<p>1. I am enclosing items 1 and/or 2 for additional services (see items 3 and 4a-b).</p> <p>2. My name and address on the reverse of this form so that we can return this card to you.</p> <p>3. Attach this form to the front of the mailpiece or on the back if space does not permit.</p> <p>4. Write "Latium Receipt Registered" on the mailpiece below the article number (Latium Receipt will show to whom the article was delivered and the date of delivery).</p>	<p>5. Addressed to: White House 2000 Pennsylvania Ave Washington, D.C. 20500</p>	<p>6. Article Number: 2735006787</p>	<p>7. Date of Delivery: 17 NOV 1995</p>	<p>8. Addressee's Address (Only if requested and fee is paid)</p>
<p>9. Service type:</p> <p><input type="checkbox"/> Registered</p> <p><input checked="" type="checkbox"/> Certified</p> <p><input type="checkbox"/> Insured</p> <p><input type="checkbox"/> COD</p> <p><input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Return Receipt for Merchandise</p>	<p>10. Addressee's Address (Only if requested and fee is paid)</p>	<p>11. Article Number: 2735006787</p>	<p>12. Date of Delivery: 17 NOV 1995</p>	<p>13. Addressee's Address (Only if requested and fee is paid)</p>	<p>14. Addressee's Address (Only if requested and fee is paid)</p>
<p>15. Article Number: 2735006787</p>	<p>16. Date of Delivery: 17 NOV 1995</p>	<p>17. Addressee's Address (Only if requested and fee is paid)</p>	<p>18. Addressee's Address (Only if requested and fee is paid)</p>	<p>19. Addressee's Address (Only if requested and fee is paid)</p>	<p>20. Addressee's Address (Only if requested and fee is paid)</p>

THE WHITE HOUSE

WASHINGTON

January 19, 1994

Ms. Barbara Schwarz
Apartment 111
235 South 200 East
Salt Lake City, Utah 84111

Dear Barbara:

Thank you for your letter. From the beginning of my Administration, I have given my full backing to the historic process of political and economic reform now underway in the new independent states of the former Soviet Union. I remain convinced that democratic reforms and the transition to a market economy hold the best hope for a better future for the people of Russia and for all reformers throughout the former Soviet Union. As the democratically elected leader of Russia, President Yeltsin has my full support. During the recent crisis there, my Administration emphasized our strong support of President Yeltsin's reform efforts and stressed the importance of ensuring a democratic process in the December elections.

Last spring, President Yeltsin and I reached several agreements on the ways in which the United States and the other major industrialized democracies can help ensure the continuation of Russia's reforms. I announced initiatives that will provide immediate and tangible results for the Russian people.

A productive and prosperous Russia can add billions of dollars in new growth to the global economy. That would mean new jobs and new investment opportunities for Americans and for our allies around the world. We are investing not only in the future of Russia but also in the future of America. This is a time of great opportunity. For decades, we devoted enormous resources to containing the Soviet threat. The emergence of a peaceful and democratic Russia will allow us to devote more of these resources to our own domestic needs and to envision an era of peaceful cooperation with Russia and the other former Soviet republics.

As we move to create a more prosperous and more democratic world, I appreciate hearing your ideas.

Sincerely,

Bill Clinton

APP. 22

THE WHITE HOUSE

WASHINGTON

July 22, 1994

Ms. Barbara Schwarz
Apartment 111
235 South 200 East
Salt Lake City, Utah 84111

Dear Barbara:

Thanks for your comments about the case of Michael Fay.

United States citizens travelling or living overseas must be aware that they are subject to local laws. While I have no objection to appropriate punishment for willful destruction of private or public property, it is my belief that the punishment of caning is excessive, and I have expressed this concern to the Singapore authorities. In the case of Mr. Fay, not only did I feel that the punishment was too severe, but I also believed his youth and status as a first-time offender justified clemency, especially when compared to other cases of this kind that have been tried in Singapore.

I appreciate hearing your ideas about this issue.

Sincerely,

Bill Clinton

APP. 23

Barbara Schwarz, 335 East Broadway, Apt. 401, Salt Lake City, Utah 84111

White House
Attn. Freedom of Information Act,
Privacy Act Officer,
1600 Pennsylvania Ave. N.W.
Washington D.C. 20500

January 26, 1998, mailed
with certified mail
2 230 751 483

copy: President Bill Clinton,
personal

copy: Vice President Al Gore,
personal

Re: FREEDOM OF INFORMATION/ PRIVACY ACT REQUEST

I, Barbara Schwarz request by the White House following records:

1) Any records pertaining to Barbara Schwarz. Please also check for records on which my name might be misspelled as Schwartz. Search also in your legal files for those records.

2) Any records pertaining to Barbara Schwarz in the White House files of Mark C. Rathbun (de Rothschild). Search also for those records in your legal files.

Attached is my declaration of identity.

Pursuant to U.S. Code Title 5, paragraph 552 and 552 a, you have ten working days to respond to this FOIA/PA request.

Please mail me a copy of my record on the White House as soon as possible and attach an affidavit by the person that did the search for my records as to how the records at the White House are recorded and where they are stored. Mention in this declaration the different records systems that you have and in which you searched for records pertaining to me. List exactly what documents you found and describe them briefly as to their content in your declaration. List also that you checked the names Barbara Schwarz, and misspelled Schwartz and records of Mark Rathbun or Marty Rathbun (de Rothschild) for records pertaining to me. Declare under oath that your search was honest and complete.

I forward look to hear from you.

Sincerely

Barbara Schwarz
Barbara Schwarz

APP. 24

THE WHITE HOUSE

WASHINGTON

February 6, 1998

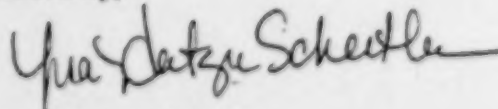
Ms. Barbara Schwarz
335 East Broadway
Apartment 401
Salt Lake City, Utah 84111

Dear Ms. Schwarz:

The Office of Counsel to the President has received your letter of January 26, 1998, requesting certain records from the White House. Your request is based on the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the Privacy Act of 1974, 5 U.S.C. § 552a.

I write to inform you that the FOIA and the Privacy Act apply only to records maintained by "agencies" within the Executive Branch. See 5 U.S.C. §§ 552(a); 552a(a)(1). The President's immediate personal staff and units in the Executive Office of the President whose sole function is to advise and assist the President are not included within the term "agency" under the FOIA or the Privacy Act. Consequently, the FOIA and the Privacy Act do not establish a statutory right to the records you have requested from the White House, if such records exist.

Sincerely,



Lisa Herizer Schertler
Associate Counsel to the President

APP. 26

Barbara Schwarz, 335 East Broadway, Apt. 401, Salt Lake City, Ut. 84111

White House,
Attn. President Bill Clinton, personal
1600 Pennsylvania Ave. N.W.
Washington D.C. 20500

mailed with cert. mail
Z 230 751 479

c.c. Vice President Al Gore,
personal

February 10, 1998

Re: APPEAL OF DETERMINATION BY LISA HERTZER SCHERTLER, ASSOCIATE
COUNSEL TO THE PRESIDENT, OF FEBRUARY 6, 1998, TO MY FREEDOM
OF INFORMATION ACT AND PRIVACY ACT REQUEST OF JANUARY 26, 1998
(Please find attached a copy of my FOIA/PA request for my
White House records of Jan. 26, 1998 and a copy of determination
by Ms. Hertzler)

Mr. President,

I appeal this determination to you personal, because for
following reasons:

1) Ms. Hertzler Schertler denied me access to my White House
records by declaring the White House as no agency within the
Executive Branch and therefore FOIA/PA would be no statutory right.

THIS IS COMPLETELY WRONG. Pursuant to 5 U.S.C. 552 (a) (f), it
is defined: "(f) For purposes of this section the term 'agency' as
defined in section 551 (1) of this title include any executive de-
partment, Government corporation, Government controlled corporation,
or other establishment in the executive branch of the government,
(including the Executive Office of the President), or any independent
regulatory agency."

In other words: The determination by Ms. Hertzler is unlawful
and violated federal FOIA/PA laws.

2) I did not request any private records of yours. I asked
any records pertaining to Barbara Schwarz or misspelled version
of my name Schwartz. I asked for records pertaining to Barbara
Schwarz in the White House files of Mark C. Rathbun (de Rothschild),
my husband. I asked to check also your White House legal files as
to records pertaining to me.

As I addressed you with over hundred letters in your function
as the President of the United States, my record should be public
White House record and should be not be in private or personal files
of yours.

In my over hundred letters to you (and copy to Al Gore) I
asked you to help me to prosecute a German oriented, German originated,
German controlled Nazi-conspiracy, that infiltrated U.S. agencies and
courts and denies Mark Rathbun (de Rothschild) and me our civil rights.
I informed you that he is wrongfully incarcerated since many years
and this just because this conspiracy framed him in court and that I,
his proper relief witness get no help by any agency or any court to
testify the truth for him or to get hold of him. After I documented
to you that the Federal Bureau of Prison is deliberately covering
up his incarceration before me, you choose the side of the conspirators
by not helping me and even trying to pull my attention away from
this conspiracy and the wrongful incarceration of Mark Rathbun.

APP. 27

In other words: A personal friendship between my husband Mark and myself and you became impossible. Therefore, our correspondence is strictly business and does not belong in some personal or private files of yours, but belongs in the public files of the White House, an agency under 5 USC 552 (a).

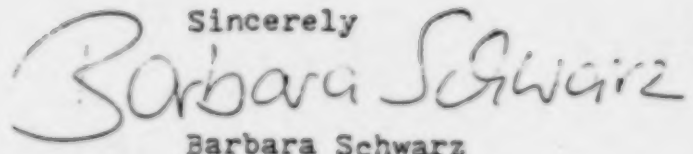
Of course I have a copy of my letters that I wrote to you, as well as the cards by the White House that I received and as well as the two letters that you wrote to me. However, my intuition is telling me that there are much more documents in my records at the White House and I am entitled to a copy of these.

I am convinced that there is an Independent Counsel (not Kenneth Starr) that is investigating the Nazi-conspiracy that infiltrated governmental offices and that this Independent Counsel addressed the White House for a copy of my correspondence with the White House and with you, the President. I am also convinced that he was wrongfully informed by the White House that no such correspondence would exist to cover even more for this Nazi-conspiracy.

Pursuant to FOIA/PA I am entitled to also a copy of what others filed to the White House as long as it pertains to me.

I ask you herewith to mail me an honest copy of my records at the White House and to declare in an affidavit how the search was done, what was found, so that I can trust the search somehow.

Sincerely

A handwritten signature in cursive script that reads "Barbara Schwarz". The signature is written in dark ink and is positioned to the right of the word "Sincerely".

Barbara Schwarz

THE WHITE HOUSE
WASHINGTON

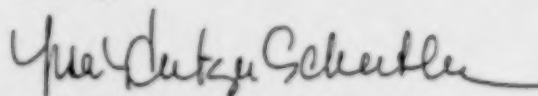
March 9, 1998

Ms. Barbara Schwarz
335 East Broadway
Apartment 401
Salt Lake City, Utah 84111

Dear Ms. Schwarz:

Thank you for your letter of February 10, 1998, regarding your recent request for records from the White House under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the Privacy Act of 1974, 5 U.S.C. § 552a. In your letter, you refer to subsection (f) of the FOIA. While subsection (f) refers to the Executive Office of the President, the courts have construed this provision to distinguish units within the Executive Office of the President that have the sole function of advising or assisting the President. See, e.g., Meyer v. Bush, 981 F.2d 1288 (D.C. Cir. 1993). Under this interpretation of subsection (f), the records you seek from the White House, if they exist, are not subject to the FOIA or the Privacy Act.

Sincerely,



Lisa Hertzler Schaninger
Associate Counsel to the President

APP. 28

Barbara Schwarz, 326 East Broadway, Apt. 401, Salt Lake City, Ut. 84111

March 2, 1998

White House,
Attn. President Bill Clinton, personal
1600 Pennsylvania Ave. N.W.
Washington D.C. 20500

c.c. Vice President Al Gore,
personal

Re: APPEAL OF DETERMINATION BY LISA HERTZER SCHERTLER, ASSOCIATE COUNSEL TO THE PRESIDENT, OF FEBRUARY 6, 1998, IN RESPONSE TO MY FREEDOM OF INFORMATION ACT AND PRIVACY ACT REQUEST OF JANUARY 26, 1998. (SEE ALSO MY APPEAL OF FEBRUARY 10, 1998, RECEIVED BY WHITE HOUSE FEBRUARY 18, 1998.)

Mr. President,

I have not yet received any response by you or anyone else to my appeal so far. Please make sure that I receive a response.

It looks to me that Lisa Hertzler Schertler denied my Freedom of Information/Privacy Act request as in view of Executive Privilege that in other words you invoke Executive Privilege on this matter, keep your records in regards of me confidential, deny Freedom of Information Act and Privacy Act to me, and in case I should sue, you would invoke Executive Privilege to prevent that any of your aides have to testify.

When you are invoking Executive Privilege on this matter, by denying me my FOIA/PA records or by denying Mark Rathbun (de Rothschild) his attorneys, or the Independent Counsel the records and when you prevent testimony on this matter and prevent that your staff and advisers can be summoned to testify in this matter, you appear in the focus of covering up this conspiracy, this German Nazi-conspiracy by calling the protection of them a matter of national security. I think this is the worst decision you can make. It would be much better in your position to turn all papers and facts over to the people that request them and let your people be summoned and testify.

I asked you in hundred of letters to assist me to get hold of wrongfully incarcerated Mark C. Rathbun (who is wrongfully incarcerated because a Nazi-conspiracy framed him), who could lose his life behind bars. I informed you that a German originated, German oriented and German controlled conspiracy is trying to prevent that I get hold of Mark Rathbun, because it would prove his innocence, he would get exonerated and a German Nazi-conspiracy, and many German officials would get convicted of having framed Mark Rathbun of having murdered my family and me, despite that we are all alive and Mark or Marty never did anything bad to any of us. I informed you that the U.S. government, courts and agencies, amongst the U.S. Dept. of Justice contribute to this Nazi-conspiracy against our rights.

I asked you to help us, that we need a truly independent emergency court to look into this matter.

You responded, but you protected this conspiracy by writing me that things are better in Russia for example and you tried to pull my attention away from innocent Mark Rathbun (de Rothschild) to guilty Michael Fay, who was never of any concern of mine. The few strokes he got on his criminal butt are not compared to what innocent Mark Rathbun has to suffer, who is target of such a rotten and pervert Nazi-conspiracy, that infiltrates everything and has no respects of our civil rights.

After it became clear, that you are not on our side, but apparently

on the side of this conspiracy, I filed my court cases against you. You preferred not to respond and not having an attorney to represent you in these cases, because you knew that this conspiracy, that hirers judges secretly, would dismiss my cases and deny my rights.

Despite that I "lost" these cases, I don't feel really having lost them, because the truth will come out sooner or later anyway and these judges, that covered for you will be held responsible.

I puzzled together that there is an Independent Counsel (other than Ken Starr), who is investigating this Nazi-conspiracy. I am absolutely, 100 percent convinced, that he addressed you and your aides to tell him, if you would know me, my whereabouts, my cases, my letters and if you would have responded to me.

My intuition is telling me that you informed him wrongfully not knowing me and I hope that your aides did not file false declarations to him or lied under oath not knowing me and my cases, my letters and our correspondence.

My intuition also is telling me that the Independent Counsel informed you that I am actually Sarah, the from the Germans kidnapped granddaughter of President Dwight David Eisenhower, but this did not change anything within you either. You and your White House, your Department of Justice and your other agencies keep Mark Rathbun and myself, (to whom I am legally married) further apart, so that the Nazi-conspiracy that is secretly ruling the United States remains undisturbed and protected.

I hope not that you calculate that I am a problem for you that will just resolve. I know too much to just go away. I am staying in the United States, continue to search Mark Rathbun and to object this Nazi-conspiracy. I have nothing to lose. I am a target of this conspiracy and I feel them daily even physically. I swore to myself, that I rather prefer to be murdered by them, instead of giving up fighting for Mark Rathbun's and my rights.

In other words: Sooner or later, we will have our breakthrough if you helped us or not.

However, but it must be clear to you, that as longer you and your White House and you other administration prevents the truth to come out, as more difficult your own situation becomes. The legal problems, that result in covering for a German Nazi-conspiracy and contributing to it, allowing to have a foreign country as the Germans run secretly the United States and that you, the U.S. President secretly obey to the Germans and take secretly their orders, are enormous. Your other legal problems are a walk in the park compared to what you have to confront in future, because of having done all above mentioned and having not been straight and honest.

But it is not too late. You still could get the truth and the facts to the Independent Counsel. You should actively and publicly work against this Nazi-conspiracy, because how the matter looks momentarily, Richard Nixon looks compared to you like a chorus-boy.

You could have a much better place in history, if you would not obey to the Germans and if you would not try to prevent the truth to come out on matters concerning Mark Rathbun and myself.

I am aware that you said that you would help Scientologists in Germany to be not persecuted any longer from the German government, at least that is what the press reports in John Travolta stories. I know you put Sandy Berger up to that he should talk with the German about this matter.

Well, this does not really handle the matter and especially not this German Nazi-conspiracy. I think you have done so mainly for reason having an alibi. You have not helped us individual Scientologists, as Mark Rathbun and myself, but you figured that when we despite all odds bring this conspiracy into it's knees, you can say as alibi, that you tried to help Scientology.

Fact is, that Scientology is very much so infiltrated by this Nazi-conspiracy. Good and true Scientologists as Mark and myself were kicked out. They have altered the truly powerful and religious writings of L. Ron Hubbard, so that most people can't raise anymore up to really higher levels of awareness.

Original Scientology is a miracle. Just look what it done for Mark Rathbun and myself as far as spiritual abilities are concerned. Our awareness and spiritual abilities are so much sharper than this of other people. We know things we never should have found out. We see so clear that we even can predict the future. We find the truth in Billions of lies and not even death would make us uneffective.

Everyone could be that way, but this is what the Germans hate on Scientology, that it truly enables people so very much. The feels don't see how this could enrichen lifes and the world, they suffer under typical German persecution mania and are feeling treated.

They sent in hundredthousands of people that secretly work for this mentally retarded Nazi-conspiracy and distroyed the true religions of Scientology. This what is left of Scientology today is a poor amount of what people could be and how they could feel, when the Germans would not have distroyed L. Ron Hubbards writings.

One branch of the German Nazi-conspiracy infiltrated Scientology, distroyed it as good as possible and had it's people creating bad public relationship situations for Scientology, so that as less as possible new people would come to Scientology and would discover it's original power for every person in this world.

The other branch had this idea to make a lot of money with it. They cancelled L. Ron Hubbards sane and fair donation plan for service within Scientology and want to make the very big money with it.

Despite that Scientology is in meantime declared as non profit, the main Scientology reserves accounts, surely more than a Billion Dollars are in European Luxenbourg bank accounts. You know that the Germans want to become the leader within an Unified Europe. This would mean that they get all this money. It should not benefit the United States.

I also have a very good explanation why the IRS declared Scientology suddenly for non-profit, but in times when Scientology was really non-profit, in times L. Ron Hubbard was still alive and within

the Scientology organizations, the IRS attacked L. Ron Hubbard and Scientology and falsely accused him and the orgs of being not non profit. The explanation is: 1) The tax money should not profit the United States. When Scientology has to pay taxes, the Germans get less on the Luxembourg bankaccounts, from which they hope they soon can claim them publicly as their's as the "elected leaders" of the European Community. 2) Despite that innocent Mark Rathbun or Marty Rathbun is since almost ten years wrongfully behind bars, I should start to doubt my spiritual abilities of knowing that he is not free. The IRS must be a part of this disgusting plot too. They try together with the current and dishonest Scientology leadership to feed the media with wrong reports that Mark or Marty Rathbun would be free and would have worked out a deal with the IRS, which he has not. I knew him so good as I know myself, He never would have sold Scientology out for 12.5 Million Dollars just to obtain a non-profit status.

As the U.S. government, Scientology must be cleaned up from people that were sent in by the Germans to destroy, deny other people's rights and to work secretly for German advantage.

It surely is important to stop the German government from denying Scientologists rights, but I also could not see that it was done effective by the United States. Since years the Department of State and your security adviser is having talks with the German government and nothing effective is coming out. Where are the sanctions that you should force on the Germans for their disgusting part of reimplementing Hitler's anti-religiosity towards the Scientologists?

I am so glad when Marty (Mark Rathbun) will run for U.S. President. He will win in a heartbeat and he will kick the German butts so hard, as they deserve it.

I wrote you this in my many letters before: The Germans are behind any problem of the world, every terror act, war, weapons, drugs, sicknesses, even El Niño is a product of their weather satellites, behind earth quakes, crimes, perversions, everything, even behind it that the general population should not know that there is a way of living without becoming sick or even aging. They think that they can do whatever they want with the world, even their own agents, because they will sell out the world for personal gain.

As I made clear, I knew that Marty Rathbun and myself and some others will bring this conspiracy down to it's knees and we will have a world at the end, of which we can be truly proud, a world without criminality, insanity and war and without lies, a world in which everyone wins.

I hope you know what the right side to stand is in this matter, because working for this conspiracy and covering it up will make you truly unhappy. Please reconsider the denial for my records by Ms. Hertzner. Mail me a copy of what you have on me, including on what the independent counsel mailed to you and inform him truthfully on what you know of me.

Sincerely

Barbara Schwarz
Barbara Schwarz

Barbara Schwarz, 335 East Broadway, Apt. 401, Salt Lake City, Ut. 84111

The White House,
Attn. President Bill Clinton, personal
1600 Pennsylvania Ave.
Washington D.C. 20500

March 13, 1998

c.c. Vice President
Al Gore, personal

Re: APPEAL OF LATEST DETERMINATION BY LISA HERTZER SCHERTLER,
ASSOCIATE COUNSEL OF THE PRESIDENT, OF MARCH 9, 1998.

Mr. President,

I direct this appeal to you personal.

Ms. Hertzler Schertler acknowledged my mail of February 10, 1998, but she still is unwilling to accept my Freedom of Information Act, Privacy Act request, pursuant to USC, Title 5, 552 and 552 a, subsection (f). Her arguments are that while subsection (f) refers to the Executive Office of the U.S. President, the courts have construed this provision to distinguish units within the Executive Office of the President that have sole function of advising or assisting the President. She referred to Meyer vs. Bush, 981 F2d 1288 (D.C. Cir. 1993.)

Her determination is wrong, because for following reasons:

- 1) I requested not only records in a Freedom of Information Act request, but also Privacy Act request.
- 2) My case is not against the Task Force on Regulatory Relief, but was addressed to the White House, your office, the Executive Office of the U.S. President.
- 3) I never addressed my FOIA/PA request to the Task Force for Regulatory Relief, or any similar unit.
- 3) I know that you issued a memorandum and press release on October 4, 1993, in which you urged all federal departments and agencies to renew their commitment to the Freedom of Information Act, to its underlying principles of government openness. That is why you and your White House, the Executive Office of the President should be a good example being open yourself. It is double moral when you preach this openness for other agencies, but not for your own.
- 4) My correspondence with you, and other's correspondence on me with you, created private rights, and is subject to review. My FOIA/PA request has nothing to do with an executive order devoted solely to internal management of executive branch.

I asked you for records on myself, for records on myself in White House files of myself and White House files of Mark C. Rathbun (de Rothschild) or records on myself of files by others.

I am also very interested to obtain copies of any correspondence by Mark Rathbun's attorneys with you or of an Independent Counsel on me.

As you very well recall, I wrote to you asking you for assistance to investigate the German originated, German controlled, German oriented Nazi-conspiracy that infiltrated the U.S. government, agencies and courts and that is keeping Mark C. Rathbun (de Rothschild) wrongfully behind bars, and me his wife and proper relief witness deliberately away from him, so that he can't be exonerated and that

he can't bust this conspiracy. I documented to you that the Dept. of Justice is not helping, but you ignored this all deliberately and tried to get my attention away from Mark Rathbun to another prisoner, who is not innocent as Mark Rathbun, Michael Fay.

I tried it over and over again to get your help, but when it became clear you have not the smallest intention to bust this conspiracy that infiltrated, I filed cases against you in the U.S. District Court of Columbia.

You did not even bother to respond to them, because you were so sure that this conspiracy would deny my rights, would suppress the laws and you would come away with anything.

However, as nothing is ever over as long as injustice is not resolved, I keep on trying to find Mark Rathbun, to testify the truth for him and for this purpose I want all your records on me in your files.

I am also convinced that not only Mark Rathbun's attorneys addressed you and asked you for a copy of our correspondence, and that even an Independent Counsel, (other than Ken Starr) asked you for a copy of our correspondence, my hundreds of letters to you and copies to Al Gore, your many cards and two personal letters to me, but that you deliberately informed them wrongfully of having no such records, that you don't remember me, that you did not receive any letters by me and that you did not write to me. This is called obstruction of justice and poor honest and decent Mark Rathbun has to suffer behind bars, where he could lose his life.

My intuition is telling me that all. The fact that you deny FOIA/PA to me even supports this intuition, that you have those records as above mentioned, but that you continue to cover up to obstruct justice.

5) The White House is a permanent agency. The Executive Office of President is a permanent agency, with significant staff and broadly delegated powers, that is an agency within 5 USCA Paragraph 551 (1), 552 (b) (5), 552 (e), as for example the Office of Management and Budget (OMB) is, an agency that is one in the meaning of FOIA/PA.

6) My correspondence with you was directed to the President of the United States. Also your correspondence with others on me was as the President of the United States, I trust. This correspondence created private rights and is subject to review. MY FOIA/PA request had nothing to do with executive order devoted solely to internal management of executive branch.

7) The Task Force on Regulatory Relief is something completely different than the permanent White House or Executive Office of the President.

8) The White House, Executive Office of the President is a body with "substantial independent authority" to direct executive branch officials and has commitment to FOIA/PA.

9) The Task Force on Regulatory Relief provided for Meyer at least some documents in frame of her FOIA request, but Ms. Hertz-Schertler, your counsel does not want to provide even a single document.

10) You as President have substantial, independent, directional authority and you could order that those records that I requested are being released to me, why don't you?

II) Ms. Hertzler-Schertler is saying in other words that you gave my files to some mystical task force for advise and assistance, otherwise her denial for my records is not to be explained. This confirms that you apparently think that you need closest advisers and highest level in the White House or Presidential Exec. Office advise and assistance to deal with my matters. Is that so? Or not, than please prove me wrong, by revealing my records as requested.

I remind you again, that all I ever wanted was your assistance on how to investigate this German Nazi-conspiracy that infiltrated the United States and that you help me to exonerate Mark C. Rathbun, who is innocent.

When you don't act against this conspiracy and even are protecting this Nazi-conspiracy by amongst other thing shifting my FOIA/PA request from the FOIA/PA agency, the Presidential Executive Office to some mystical unit or task force, to avoid that I or others can get these records, in what kind of light does this paint you, Mr. President?

I2) The Office of Science and Technology (OST) is a distinct entity within the Executive Office of the President, and was ruled to be an agency within the meaning of FOIA. OST even advised and assisted the President. (See Rushford vs. Council of Economics Advisers, 762 F2d 1038, D.C. Cir. 1985.)

I3) Council of Environmental Quality is entity within Executive Office of the President, and was determined to be FOIA agency. (See Pacific Legal Found. vs. Council on Env'tl. Quality, 636 F2d 1259, D.C. 1980). Also this council advises and assists the President. But this council and OST don't deny people's FOIA requests, as you did with mine, right?

I4) Please explain the group to me that received my records. What kind of unit and task force is that?

I5) Explain to me if you try to avoid FOIA/PA by informally delegating authority to an "establishment", this mystical unit or task force, to prevent that I can get copy of my records pursuant to FOIA/PA.

I6) The structure of this unit or task force is important to determine it's purpose and independence from the Executive Office of the President.

I7) I also need to know if White House staff are used in this unit or task force, because, if so, you risk creating a FOIA agency. I remind you that I did not write to your "immediate personal staff", but to you, the President of the United States and to Al Gore, the Vice President of the United States. I did not write to those personal staff or units or task forces, whose sole function is to advise and assist the President, therefore, my files don't belong in their offices, but in your office, and your office, the Executive Office of the President is an agency under FOIA/PA.

I8) I also did not write you personal letters, but wrote to you in your function of the President and my hope was that you would not write to me not in your function as U.S. President.

I9) In Meyer vs. Bush is this Task Force mentioned as one which is charged with the "overall direction" of the President's regulatory reform program, is shielded from disclosure laws while OMB, which operates under Task Force direction, is not. This clearly maps out the formula for getting around disclosure laws in the Executive Office of the President.

This means that Ms. Hertzler-Schertler is saying with other words that my matters are so highly sensitive (that I should not obtain my records)

that you gave it to your highest unit or task force for "sensitive policy discussion"? Do you know that this acknowledges all along what I am thinking? That there is a huge cover up of the facts and obstruction of justice as far as the affairs of Mark C. Rathbun and mine and a special Independent Counsel are concerned?

The task force of President Bush operated at highest level of the White House for coordination of nation's science policies. When you put my matters on same level, you are upgrading the importance of all I have written to you and what you responded to me and what others wrote about me to you and what you wrote to them about me.

My matters are of highest importance, but you so far downplayed it, you ignored the hot issue of Mark Rathbun's wrongful incarceration, the attacks on his life, just because he want to bring a Nazi-conspiracy, that infiltrated the U.S. government, to justice, so as I want it. But I really want to remind you again, when you cover for this conspiracy by plotting against us, by keeping us apart, by obstructing justice, that puts you on the same level as the most disgusting people that ever walked the earth: German Nazi's.

20) To extend that President's close advisors need to protect sensitive policy discussions, they can more appropriately do so through the FOIA exemption, which protects particular records from disclosure, rather than through FOIA agency determination which bars all records from disclosure. (See Pacific Legal Foundation, 636 F2d at 1265.)

I am not saying that I would be satisfied with documents that are exempted and would not appeal this, but at least it would be a start from your side, instead of denying FOIA/PA to me totally.

I hope you think this through, Mr. President and you nullify Ms. Hertz's two determinations, because I am not stopping to ask for justice. I ask for justice so long, till I get it someplace. And I am telling you, I am going nowhere, I am staying till I found Mark Rathbun, till I had my chance to testify and prove his innocence and till this Nazi-conspiracy, that is so un-American, is convicted.

I forward look for your response.

Sincerely

Barbara Schwarz

Barbara Schwarz

United States Court of Appeals for the Eleventh Circuit (1/92)

App. 31

SCHWARZ v. WHITE HOUSE

DKT#

98-02727

[illegible]

MISCELLANEOUS FILINGS

Order Transferring from Mac # _____
 Petition for Review _____
 Application for Enforcement - NLRB _____
 Answer to Application for Enforcement _____
 Cross Application for Enforcement _____
6/4/98 DC Order - IFP - GRTD _____ DND **X**
 DC Order - IFP - GRTD _____ DND
 DC Order - IFP - GRTD _____ DND
 DC Order - CPC - GRTD _____ DND
 DC Order - Appointment of Counsel _____
 DC Order - Appointment of Counsel _____
 DC Order - Appointment of Counsel _____
6/11/98 ~~XXXXXX~~ Appellate Docketing Statement **none required**
 Criminal Appellate Docketing Statement _____
 Criminal Appellate Docketing Statement _____
 CJA 20 Rec'd _____
 CJA 20 Rec'd _____
 CJA 20 Rec'd _____
 CJA 24 for Transcript _____
 CJA 24 for Transcript _____
 CJA 24 for Transcript _____

2. JURISDICTIONAL SCREENING

FILINGS/ACTIONS

6/3/98 Staff Atty Jurisdiction _____
 Staff Atty Jurisdiction _____
 Staff Atty Jurisdiction _____
 Staff Atty Further Review _____
 Staff Atty Further Review _____
 Request Additional Documents _____
 Request Additional Documents _____
 Resubmitted to Staff Atty _____
 Resubmitted to Staff Atty _____
 Jurisdictional Question issued _____
 Jurisdictional Question issued _____
 Jurisdictional Question issued _____
 Jurisdictional issue to be Briefed _____
 Jurisdictional issue to be Briefed _____
 Jurisdictional issue to be Briefed _____
 App Response to Jurisdictional Question _____
 App Response to Jurisdictional Question _____
 App Response to Jurisdictional Question _____
 App Response to Jurisdictional Question _____
 App Response to Jurisdictional Question _____
 App Response to Jurisdictional Question _____
 Jurisdictional Response(s) to Staff Atty _____
 Add'l Jurisdictional Response(s) to Staff Atty _____
 Jurisdictional Response(s) to Court _____
6/2/98 Probable Jurisdiction Noted _____
 Probable Jurisdiction Noted _____
 Probable Jurisdiction Noted _____

3. RECORD & EXHIBITS

6/11/98 ^{FILED} Appeal Info Sheet _____ Sign Dt **6/2** **DUE 6/9/98**
 Appeal Info Sheet _____ Sign Dt _____
 Appeal Info Sheet _____ Sign Dt _____
 Ct Rptr App _____ Fm App Y ☐ N ☐
 Ct Rptr App _____ Fm App Y ☐ N ☐
 Ct Rptr App _____ Fm App Y ☐ N ☐
 Ct Rptr Fm _____
 Ct Rptr Fm _____
 Ct Rptr Fm _____
none req. Transcript _____
 Transcript _____
 Transcript _____
 Certified List _____
7/9/98 Original Papers (1 vol) **7-13-98**
 Certificate of Readiness _____
 Supp Certificate of Readiness _____
 ROA # Vols _____ P _____ T _____
 1st Supp ROA # Vols _____ P _____ T _____
 2nd Supp ROA # Vols _____ P _____ T _____
 Exhibits Summary _____
 Exhibits Summary _____
 Exhibits Summary _____

*Also Filed in _____

SEALED ROA EXHIBITS

PS _____
 PS _____
 PS _____
 ROA # Vols _____
 1st Supp ROA # Vols _____
 Other _____

4. BRIEFING INFORMATION

Briefing Notice Issued _____ **DUE**
 Briefing Notice Re-Issued _____
 Brief for Appellant _____ D _____
 Brief for Appellant _____ D _____
 Brief for Appellant _____ D _____
 Record Excerpts _____
 Record Excerpts _____
 Record Excerpts _____
 Brief for X Appellant _____ D _____
 Brief for X Appellant _____ D _____
 Brief for Appellee _____ D _____
 Brief for Appellee _____ D _____
 Brief for Appellee _____ D _____
 Brief for X Appellee _____ D _____
 Brief for X Appellee _____ D _____
 Reply Brief for Appellant _____
 Reply Brief for Appellant _____
 Reply Brief for Appellant _____
 Supp Brief App _____ App _____ D _____
 Supp Brief App _____ App _____ D _____
 Brief for Amicus _____
 Brief for Amicus _____
 Brief for Intervenor _____
 Supp Authority - App _____ App _____
 Supp Authority - App _____ App _____

*Also Filed in _____

5. EXTENSIONS

SCHWARZ v. WHITE HOUSE

DKT#

98-0272

[illegible]

6. OTHER MOTIONS & ORDERS

6-22-98

FLG. ORDER: Appellant's motion for leave to appeal in forma pauperis and financial affidavit. res

9-21-98

FLG. ORDER: Appellant's motion for leave to proceed on appeal in forma pauperis is DENIED because the appeal is frivolous.

9-28-98

FLG. Petition for rehearing addressed to Chief Judge of 11th Circuit Court, construed as a motion for reconsideration.

10-30-98

FLG. ORDER: Appellant's motion for reconsideration of this Court's order, dated September 21, 1998, denying her motion for leave to proceed on appeal is DENIED. This case is dismissed because the appeal is frivolous. RLA/EEC/FMH (j) res

CALENDAR INFORMATION

Argument Scheduled for _____ in _____

Argument Continued

Argument Rescheduled for _____ in _____

Argument Panel: _____

Case Argued - By Apt _____ By Ape _____

Case Sub. w/o Arg. - By Apt _____ By Ape _____

Non-Argument Panel: _____

Date Submitted: _____

Courtroom Deputy: _____

8. OPINION INFORMATION - Pub _____ NonPub _____

Opinion Issued

- ☐ Affirmed ☐ Per Curiam ☐ Signed
☐ Reversed ☐ Rule 36-1 ☐ Conc. Spec.
☐ Vacated ☐ Dissent
☐ Dismissed ☐ Dis./Conc. in Part
☐ Ltd. Remand/Certif. _____

10. REHEARING INFORMATION

Petition for Rehearing _____

Apt _____ Ape _____ Panel _____ En Banc _____

Petition for Rehearing _____

Apt _____ Ape _____ Panel _____ En Banc _____

Court Ordered Response By _____

Order Denying Rehearing _____

Order Granting Panel Rehearing _____

Order Granting Rtg En Banc ☐ On Court's Own Motion

Before: _____

Opinion Withdrawn _____

Opinion Reissued _____

9. JUDGMENT AND MANDATE INFORMATION

- Bill of Costs Filed - Costs Awarded To _____
Objection to Bill of Costs _____
Judgment Entered _____
Judgment Issued to NLRB & Counsel _____
Judgment & Opinion Issued to Clerk as Mandate _____
Judgment & Opinion Re-Issued to Clerk as Mandate _____
Dismissal Issued to Clerk _____
Record on Appeal Returned to Clerk (____ Vols.) _____
Exhibits Returned to Clerk (Itemize) _____

Mandate Recalled _____

Mandate Stayed to _____

Mandate Withheld _____

11. SUPREME COURT INFORMATION - No. _____

Ext. for Fig. Cert. Granted to _____

Notice of Fig. Cert. on _____

Cert. _____ Denied _____ Grtd on _____

Cert. Record Transmitted _____

Supplemental Cert. Record Transmitted _____

Original Exhibits Transmitted _____

Opinion of Supreme Court Dated _____

Petition for Rehearing Filed on _____

Notice of Denial of Petition for Rehearing _____

Judgment of Supreme Court _____

DATE

NOTATIONS REGARDING COMMUNICATIONS WITH PARTIES OR COUNSEL

6/10/98

DKT-2 issd. sd

6/15/98

Dkt-6a issd. wl

U.S. District Court
Middle District of Florida (Tampa)

APPEAL TBM

CIVIL DOCKET FOR CASE #: 98-CV-813

Schwarz v. White House
Assigned to: Judge Susan C. Bucklew
Demand: \$0,000
Lead Docket: None
Dkt# in other court: None

Filed: 04/15/98

Nature of Suit: 440
Jurisdiction: Federal Question

Cause: 42:1983 Civil Rights Act

BARBARA SCHWARZ
plaintiff

Barbara Schwarz
[NTC] [PRO SE]
335 East Broadway, Apt. 401
Salt Lake City, UT 84111

v.

WHITE HOUSE, An United States
Agency, Executive Office of
The President
defendant

/15/98 1- COMPLAINT for injunctive relief, filed. (attachments) (ag)
[Entry date 04/16/98]

/15/98 -- MAGISTRATE JUDGE CASE ASSIGNMENT Magistrate assigned:
Thomas B. McCoun, III (ag) [Entry date 04/16/98]

/15/98 2 APPLICATION by Barbara Schwarz to proceed in forma
pauperis (ag) [Entry date 04/16/98]

/15/98 3 NOTICE of appearance pro se by Barbara Schwarz. (ag)
[Entry date 04/16/98]

/15/98 4 MOTION by Barbara Schwarz for expedite service of summons
and complaint upon defendant. (ag) [Entry date 04/16/98]

/16/98 -- Request by plaintiff for status inquiry; response attached.
(ag) [Entry date 04/17/98]

/21/98 5 NOTICE of designation under Local Rule 3.05 - TRACK 2.
(ctc) (ag) [Entry date 04/22/98]

/21/98 6 NOTICE to counsel of expected deadlines. (ag)
[Entry date 04/22/98]

/28/98 7 CERTIFICATE OF SERVICE of [6-1] notice, [5-1] track 2
notice by Barbara Schwarz (ag) [Entry date 04/29/98]

/13/98 8 ORDER denying [2-1] motion to proceed in forma pauperis and
this action is dismissed. (Signed by Judge Susan C.
Bucklew), ctc MFR Number 116/0678-0679 (ag)
[Entry date 05/14/98]

/13/98 -- CASE CLOSED. (ag) [Entry date 05/14/98]

/26/98 9 NOTICE OF APPEAL of [8-1] order dismissing the case, by
Barbara Schwarz. Appeal Information Sheet Sent to Appellant.
Fee Status: not paid. Certificate of Readiness due on
6/10/98. (ag) [Entry date 05/27/98] [Edit date 05/28/98]

/26/98 10 MOTION by Barbara Schwarz to proceed in forma pauperis on
appeal. (ag) [Entry date 05/27/98]

/1/98 11 ORDER denying [10-1] motion to proceed in forma pauperis on
appeal. (Signed by Judge Susan C. Bucklew), ctc (ag)

/1/98 -- Transmittal notice to the 11th Circuit U.S. Court of
Appeals regarding: copy of order [11-1] denying motion to
proceed in forma pauperis on appeal. (ag)

/2/98 -- Post-card received from plaintiff regarding receipt of copy
of notice of appeal. (ag)

/5/98 -- NOTICE assigning 11th Circuit case number re: [9-1] appeal
USCA NUMBER: 98-2727 (ag) [Entry date 06/08/98]

6/8/98 -- Request for status/copies by plaintiff; response attached.
(ag) [Entry date 06/09/98]

6/11/98 -- ACKNOWLEDGEMENT from USCA of receiving copy of order
denying IFP on 6/4/98. (USCA #98-2727) (vgf)
[Entry date 06/12/98]

7/7/98 -- TRANSMITTAL to USCA re: file forwarded per request (jlh)

7/13/98 -- Transmittal notice from U.S. Court of Appeals regarding
acknowledgement of receipt of original file per request of
6/30/98 with copy of docket sheet, received on 7/9/98.
(USCA # 98-2727) (ag) [Entry date 07/14/98]

9/23/98 12 COPY OF ORDER from the 11th Circuit, U.S. Court of Appeals,
denying appellant's motion to proceed in forma pauperis on
appeal, because the appeal is frivolous. (ag)
[Entry date 09/24/98]

9/23/98 -- Original record returned from the 11th Circuit. (ag)
[Entry date 09/24/98]

11/2/98 13 ORDER (entered at USCA) Appellant's motion for
reconsideration is denied. This case is dismissed because
the appeal is frivolous. MFR 117/793 (gw)
[Entry date 11/03/98]

11/30/98 14 MOTION by Barbara Schwarz for an order, from the Chief
Judge, directing the clerk to mail plaintiff a copy of the
true docket sheet (vgf) [Entry date 12/01/98]

1/5/99 15 ORDER granting [14-1] motion for an order, from the Chief
Judge, directing the clerk to mail plaintiff a copy of the
true docket sheet (Signed by Judge Susan C. Bucklew) ctc
(vgf) [Entry date 01/06/99]

FILED
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

JAN -5 PM 1:46
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA 33602

BARBARA SCHWARZ,

Plaintiff,

v.

Case No. 98-813-CIV-T-24E

WHITE HOUSE, et al.,

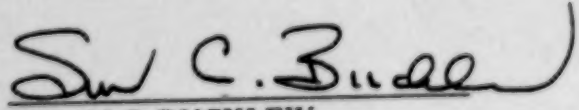
Defendants.

ORDER

The Court has before it Plaintiff's Motion to Order Clerk of Court to Mail a Copy of Docket Sheet in this Case (Doc. No. 14, filed November 30, 1998).

In her motion, the Plaintiff requests that a copy of the docket sheet in this matter be mailed to her attention. Upon consideration, this motion is hereby **GRANTED**. Accordingly, the Clerk is directed to mail a copy of the docket sheet on this matter to the Plaintiff's attention.

DONE AND ORDERED at Tampa, Florida, this 5th day of January, 1999.


SUSAN C. BUCKLEW
United States District Judge

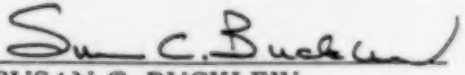
Copies to:
All Parties and
Counsel of Record

realistic chances of ultimate success are slight." Moreland v. Wharton, 899 F.2d at 1170. At the same time, however, a pro se complaint should be held to less stringent standards than formal pleadings drafted by lawyers. See Watson v. Ault, 525 F.2d 886, 891 (5th Cir. 1976).

Plaintiff's complaint arises primarily from the White House's refusal to honor certain requests made under the Freedom of Information Act, 5 U.S.C. § 552 ("FOIA"). It is clear, however, that the "White House" is not an "agency" subject to FOIA. See Meyer v. Bush, 981 F.2d 1288, 1292 (D.C. Cir. 1993) (FOIA does not cover "the President's immediate personal staff or units in the Executive Office whose sole function is to advise and assist the President") (quoting Kissinger v. Reporters Comm. for Freedom of the Press, 445 U.S. 136, 156, 100 S.Ct. 960, 971 (1980)). Moreover, it is not altogether clear to the Court why venue in this district is appropriate.

Accordingly, in light of the foregoing, Plaintiff is **DENIED** leave to proceed in forma pauperis, and this action is **DISMISSED**.

DONE AND ORDERED at Tampa, Florida, this 13 day of May, 1998.


SUSAN C. BUCKLEW
United States District Judge

Copies to:

Barbara Schwarz, pro se

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

FILED

98 MAY -1 AM 10:22

CLERK, U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA, FLORIDA

BARBARA SCHWARZ,

Plaintiff,

vs.

Case No. 98-813-CIV-T-24(E)

WHITE HOUSE, EXECUTIVE
OFFICE OF THE U.S. PRESIDENT,

Defendant.

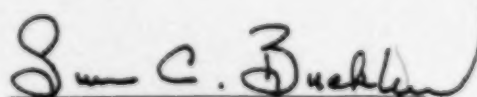
ORDER

This cause comes before the Court for consideration of Plaintiff's Application to Proceed on Appeal without Prepayment of Fees (Doc. No. 10, filed May 26, 1998).

Plaintiff seeks to proceed in forma pauperis on her appeal of this Court's Order dismissing this case as frivolous (Doc. No. 8). Section 1915(a), Title 28 United States Code, provides that an appeal may not be taken in forma pauperis if the trial court certifies that the appeal is not taken in good faith. An appeal is not taken in good faith if the issue presented is frivolous. See Coppedge v. United States, 369 U.S. 438, 445, 82 S.Ct. 917, 921 (1962); Brown v. Carpenter, 889 F. Supp. 1028, 1034 (W.D. Tenn. 1995).

Accordingly, it is therefore **CERTIFIED**, pursuant to 28 U.S.C. § 1915(a), that any appeal in this matter is not taken in good faith. It is hereby **ORDERED** and **ADJUDGED** that Plaintiff's Application to Proceed without Prepayment (Doc. No. 10) is **DENIED**.

DONE AND ORDERED at Tampa, Florida, this 31st day of May, 1998.



SUSAN C. BUCKLEW
United States District Judge

Copies to:

Barbara Schwarz, pro se

APP. 6

BARBARA SCHWARZ

WHITE HOUSE

v.

Court of Appeals No.

98-2727

District Court No.

98-00813 (v-T-24E)

Motion for Leave to Appeal In Forma Pauperis and Financial Affidavit

PLEASE PRINT: I, BARBARA SCHWARZ, due to my poverty, hereby move to proceed appeal without being required to prepay fees, costs or give security therefor. I believe I am entitled redress, and I would present the following issues on appeal (attach additional pages if necessary):

Please see my Opening Brief hereto, mailed to
USCA 11th Circuit of June 2, 1998 with
Certified mail 2 212 478 645

YOU MUST ANSWER ALL OF THE FOLLOWING QUESTIONS REGARDING ABILITY TO PAY:

- Are you presently employed or self-employed? Yes ☐ No ☒
 - If yes, state amount of earnings per month: \$ _____
 - If no, state date of last employment and amount of earnings per month:
Date: 1989 per Month: approx 800 \$ monthly
 - Within the past 12 months have you received any income from a business, rent payments, interest dividends, or any other source? ☒ Yes ☐ No. If yes, describe each source of income, and state amount received from each during the past 12 months: 50 \$ X - was present.
Otherwise my family supports me with room and board, but they are indigent too and can't pay me a cent
 - State amount of cash in your possession or control: \$ zero
- IF INCARCERATED, YOU MUST HAVE YOUR PRISON ACCOUNT BALANCE VERIFIED ON REVERS
- I am not incarcerated.
- Do you have a checking, savings, or other account in any financial institution?
Yes ☐ No ☒ If yes, state total amount: \$ _____
 - Do you own any real estate, stocks, bonds, notes, automobiles, jewelry, or other valuable property (excluding ordinary household furnishings and clothing)? Yes ☐ No ☒ If yes, describe property and state its approximate value: _____
 - Name the dependents whom you financially support and your relationship to them (e.g. parent):
nobody

I swear (or affirm) under penalty of perjury that my statements and responses above are complete and truthful.

June 19, 1998
Date

Barbara Schwarz
Signature

APP. 7

Instructions to Inmate of Correctional Institutions

The motion and affidavit on the reverse must be accompanied by a verified financial statement of the inmate's prison account balance prepared by the institution. Please submit this form to the institution for completion of the financial statement before sending the motion and affidavit to the Court filing.

I am not incarcerated.

FINANCIAL STATEMENT OF INMATE'S PRISON ACCOUNT *

I certify that according to the records on file in this institution, the figures set out below are the approximate average daily balances in the account of inmate _____ Name _____ for the previous three months.

	<u>Month</u>	<u>Balance</u>
1.	_____	_____
2.	_____	_____
3.	_____	_____

Authorized Officer of Institution

Date

*Note to Authorized Officer of Institution:

The institution may choose the easiest way to respond, either by completing the Financial Statement above showing the approximate average daily balances in the prisoner's account for each of the previous three months, or by attaching a computer printout or copy of a ledger card which contains account information for the previous three months.

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT

BARBARA SCHWARZ vs. WHITE HOUSE Dkt No. 98-2727

11th Cir. R. 26.1 (see reverse) requires that a Certificate of Interested Persons and Corporate Disclosure Statement be included with each brief, petition, answer, motion or response filed by any party. You may use this form to fulfill this requirement. In alphabetical order, with one name per line, please list the trial judge(s), and all attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this case (please type or print legibly):

TRIAL JUDGE: SUSAN C. BUCKLEW OF USDC MIDDLE FLORIDA

PLAINTIFF: BARBARA SCHWARZ (PRO SE)

APPELLANT: BARBARA SCHWARZ (PRO SE)

DEFENDANT: WHITE HOUSE, EXECUTIVE OFFICE

OF US. PRESIDENT (NO ATTORNEY KNOWN, NO

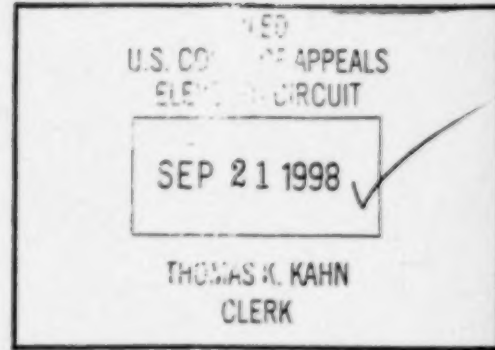
ATTORNEY OFFICIALLY APPEARED IN THIS CASE)

NO OTHER PARTIES

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

NO. 98-2727



BARBARA SCHWARZ,

Plaintiff-Appellant,

versus

WHITE HOUSE, An United States Agency, Executive
Office of The President,

Defendant-Appellee.

Appeal from the United States District Court for the
Middle District of Florida

ORDER:

Appellant's motion for leave to proceed on appeal in forma pauperis is DENIED because the appeal is frivolous. See Pace v. Evans, 709 F.2d 1428 (11th Cir. 1983).

/s/ SUSAN H. BLACK

UNITED STATES CIRCUIT JUDGE

App. 8

BARBARA SCHWARZ,
335. East Broadway, APT. 401
SALT LAKE CITY, UT. 84111

IN THE UNITED STATES COURT OF APPEALS
FOR ELEVENTH CIRCUIT

BARBARA SCHWARZ,

(PLAINTIFF - APPELLANT)

CASE: 98-2727

vs.

WHITE HOUSE, EXECUTIVE OFFICE OF
THE UNITED STATES PRESIDENT,

(DEFENDANT)

PETITION FOR REHEARING
ADDRESSED TO CHIEF JUDGE OF
IIITH CIRCUIT COURT

I, Barbara Schwarz herewith certify that this Petition for Rehearing is made in good faith and not filed for any reason of delay.

I file this Petition for Rehearing directly to the chief judge of the Eleventh Circuit Court, because feel that Circuit Court judge Susan H. Black is biased towards me and this case.

She denied my motion for leave to proceed on appeal in forma pauperis, by saying wrongfully that my appeal would be frivolous. She cited Pace v. Evans 709 F2d 1428 (IIth Cir.) as only opinion or law reference. Pace vs. Evans is about an inmate and human rights violations. My case is totally different.

My case is about Freedom of Information Act, Privacy Act laws, USC, Title 5, 552 and 552(a) and violations by the White House hereto.

The judge did not even officially know about the facts of the case, because I was not allowed by the IIth Circuit Court to provide or submit my Opening Brief and my Supplemental Brief, which contain vital information as to why the appeal should be granted.

It appears evident, judge Black is so biased that she does not

want to look at the facts of the case, afraid she would have it then not more so easy to dismiss my appeal.

Despite that Ms. Black is informed that I am absolutely indigent and can't even work in the United States, she asks me to pay 105 Dollars for the appeal, which I don't have.

(See attached a copy of her order of September 21, 1998 and a copy of the letter by clerk Kahn, asking me for 105 Dollars.)

I feel that this decision is financial harassment. This order is also an attempt to get rid of my case by knowing I can't pay for the appeal. In other words: The court of Susan Black is using my impecuniosity to deny to me access to the court.

I ask the chief judge of the Eleventh Circuit Court, personal to nullify the order by judge Susan Black and to grant this appeal to me, without asking me to pay 105 Dollars which I don't have, because the case is not frivolous, but contains important federal questions.

To make the decision easier on the chief judge, I attach to this Petition for Rehearing a copy of my Opening Brief, 22 pages and appendices A - Z, as well as a copy of my Supplemental Brief, two pages, appendices A - C attached. I urge the chief judge to study the briefs and the appendices to make an informed decision to this important case.

Please grant to me to proceed in forma pauperis with this appeal.

Dated this: September 25, 1998

Barbara Schwarz
by Barbara Schwarz

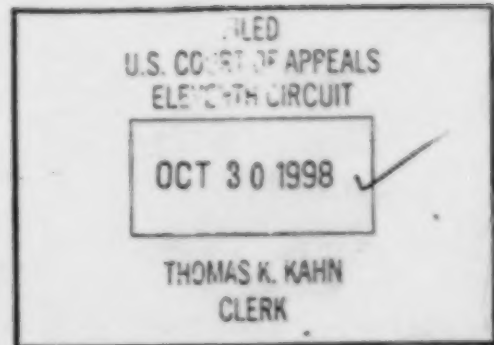
Mailing certificate: A copy of foregoing was mailed with prepaid first class mail to White House, Presid. Bill Clinton, Washington D.C. 20500, on Sept. 25, 1998.

Barbara Schwarz
Barbara Schwarz

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

NO. 98-2727



BARBARA SCHWARZ,

Plaintiff-Appellant,

versus

WHITE HOUSE, An United States Agency, Executive
Office of The President,

Defendant-Appellee.

Appeal from the United States District Court for the
Middle District of Florida

Before ANDERSON, CARNES and HULL, Circuit Judges

BY THE COURT:

Appellant's motion for reconsideration of this Court's order, dated September 21, 1998,
denying her motion for leave to proceed on appeal, is DENIED.

This case is dismissed because the appeal is frivolous.

APP. 10

Barbara Schwarz, 235 South 200 East, Apt. 111, "The Woodruffs"
Salt Lake City, Ut. 84111

(copy, Just Am, Journal)

White House
Attn. President Bill Clinton, Personal
1600 Pennsylvania Ave.
Washington D.C. 20500

28th of March 1993

Re: Further wrong incarceration of Mark Rathbun (de Rothschild)
Mr. President,

this is to inform you that my mail concerning the serious situation Mark Rathbun is in, which you gave to your Deputy Assistant Marsha Scott so that it is forwarded to the Dept. of Justice (Mr. Scott's letter to me of 23rd of February 1993), stayed without response by the Dept. of Justice. I wrote to them twice since then and they don't think they have to acknowledge having received your mail or my mail. In other words the conspiracy against innocent imprisoned Mark Rathbun (de Rothschild) continues in those governmental offices. It is outrageous. That kind of narrow minded people must it be which still think that we Jews have no rights. Those people can't be bright on other issues neither and will harm America more than helping it.

With this letter I ask you again to intervene to change the sad fate of upright Mark Rathbun. I am absolutely certain that he is wrong incarcerated in Utah, just because a Nazi conspiracy accused him wrong. I am sure that people employed by the Utah Dept. of Corrections typed his name altered in the records to make it impossible for me to get hold of him and to arrange my testimony for him in the right court. This is their justification that he should be not imprisoned, but he is. He further advised that Mark Rathbun is wrong accused on charges which were committed by others during the time he was the Inspector General for Ethics of the Church of Scientology International in Los Angeles. This church is completely infiltrated by criminal people. Please notice that they also transfer Billions of Dollars of Scientology money to European Luxembourg bank accounts, to make the Germans rich and the Americans poor. Mark had nothing to do with all of that. He was the highest minister of moral of Scientology world wide and taught Scientologists to respect the law. He was arrested that there is nobody anymore who would stop Scientologists to violate the law. This is the reason the Scientologists which are not true believers in the religion Scientology as L. Ron Hubbard founded it, never want to see Mark Rathbun released. They claim that he would be still with them and free, but this is not true. They can't even bring an affidavit of him. They also have the guts to say that Mark and me never married even when hundreds of them witnessed our marriage. It is disgusting.

Internationally Scientology's bad reputation is blamed on America. They say that it is an American destructive cult. But you should know that the Europeans within Scientology are those people,

Letter by Barbara Schwarz of 28th of March 1993, page 2 of 2
Letter to President Bill Clinton, personal with copy to Janet Reno

which violate the most laws and deny other peoples rights. They even created a Scientology passport. You should see this. It is not blue as the American, no it's green exactly as the German passport. And this German racism, to deny Mark and my rights, by keeping him innocent incarcerated (and contributing to it that he is not released by the authorities) and to destroy our marriage because their major policy. This cult has nothing in common with the religion once founded by L. Ron Hubbard. The Scientologists even covered up in 1984 that L. Ron Hubbard was murdered.

In any case, Mark and me need your effective help.
PLEASE CONTACT THE CHURCH OF SCIENTOLOGY INTERNATIONAL IN LOS ANGELES, THE PRESIDENT HERMAN JEMTSCH AND THE CHAIRMAN DAVID MICHAELIS 676 THEIR RELIGIOUS TECHNOLOGY CENTER, (RTO), 1710 IVAR AVE., SUITE 100, LOS ANGELES, CA 90028 AND EXHIBIT THEM TO THEIR RELIGIOUS PURPOSES AND GOALS, TO UNITE MARK RATHBUN AND MR. MARK THEM TO SEE THAT THEIR RACIAL MATRIMONIALS WILL NOT BRING THEM ANYWHERE THAT JUST IN TROUBLES.

I hope that you really do it, otherwise when we just let it happen those things will flash back onto us all and will hit us harder than we ever imagined.

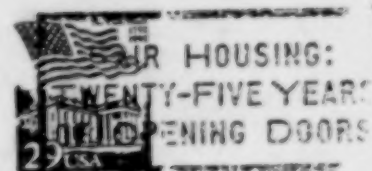
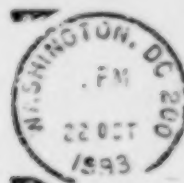
There is a court case pending in the U.S. District Court of Utah, case 92-CV-190 J, Barbara Schwarz versus Church of Scientology International, on which you can see how disgusting this church works to deny Mark Rathbun and my rights. They do not even have a power of attorney by him but nevertheless claim the case would be in his name. This is not. I really know my husband better. The Church of Scientology, by frauding people as me, for example made quite some money with what they use to buy the most expensive attorneys they can find, those which are close to judges and on this way, they count that cases against them are dismissed for favoritism.

The Church of Scientology pledged once to unite its members. Mark and me are members of the true and non-criminal religion Scientology. Those Nazis which overtook Scientology International have no rights to separate us forever. Mr. President, please contact this group and tell them they should not stop me to see Mark Rathbun but to let me speak to him.

In case you want more information, I will provide it.

Barbara Schwarz
Barbara Schwarz

THE WHITE HOUSE
WASHINGTON



BARBARA SCHWARTZ
235 SOUTH 200 E #111
SALT LAKE CITY, UT 84111

14



APP. 12



THE WHITE HOUSE
WASHINGTON

Thank you for writing with your thoughts and concerns. I apologize for the delay in responding, but the volume of mail I've received has been overwhelming.

I am honored by the outpouring of support and interest in my programs and challenged by the many pieces of constructive criticism received. While I haven't been able to respond to every issue raised, your ideas and opinions mean a great deal to me. I welcome the opportunity to hear from you again.

Bill Clinton

PRINTED ON RECYCLED PAPER

APP. 12

Per Curiam

SUPREME COURT OF THE UNITED STATES

BARBARA SCHWARZ

98-7771

v.

NATIONAL SECURITY AGENCY ET AL.

BARBARA SCHWARZ

98-7782

v.

EXECUTIVE OFFICE OF THE PRESIDENT ET AL.

ON MOTIONS FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

Nos. 98-7771 AND 98-7782. Decided March 8, 1999

PER CURIAM.

Pro se petitioner Schwarz seeks leave to proceed *in forma pauperis* under Rule 39 of this Court. We deny this request as frivolous pursuant to Rule 39.8. Schwarz is allowed until March 29, 1999, within which to pay the docketing fee required by Rule 38 and to submit her petitions in compliance with this Court's Rule 33.1. We also direct the Clerk not to accept any further petitions for certiorari from Schwarz in noncriminal matters unless she pays the docketing fee required by Rule 38 and submits her petition in compliance with Rule 33.1

Schwarz has repeatedly abused this Court's certiorari process. On December 14, 1998, we invoked Rule 39.8 to deny Schwarz *in forma pauperis* status with respect to four petitions for certiorari. See *Schwarz v. Federal Bureau of Investigation*, 525 U. S. ____ (1998); *Schwarz v. National Institute of Corrections*, 525 U. S. ____ (1998); *Schwarz v. United States Parole Comm'n*, 525 U. S. ____ (1998); *Schwarz v. National Archives and Records Administration*, 525 U. S. ____ (1998). Before that time, Schwarz had filed 29 petitions for certiorari, all of which were both patently frivolous and had been denied without recorded dissent. The instant petitions for certiorari thus

2 p/2

STEVENS, J., dissenting

constitute Schwarz's 34th and 35th frivolous filings with this Court.

We enter the order barring prospective filings for the reasons discussed in *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1 (1992) (*per curiam*). Schwarz's abuse of the writ of certiorari has been in noncriminal cases, and we limit our sanction accordingly. The order therefore will not prevent Schwarz from petitioning to challenge criminal sanctions which might be imposed on her. Similarly, because Schwarz has not abused this Court's extraordinary writs procedures, the order will not prevent her from filing nonfrivolous petitions for extraordinary writs. The order will, however, allow this Court to devote its limited resources to the claims of petitioners who have not abused our certiorari process.

It is so ordered.

JUSTICE STEVENS, dissenting.

For reasons previously stated, see *Martin v. District of Columbia Court of Appeals*, 506 U. S. 1, 4 (1992) (STEVENS, J., dissenting), and cases cited, I respectfully dissent.